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# Policy Options

## The Clayoqot Project
## Interim Report

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# The Clayoqot Project
# Interim Report

# the clayoquot project

**Interim Report**

1 April 1997

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**The Clayoquot Project** was initiated in the spring of 1996. Its co-Directors are Warren Magnusson and Karena Shaw of the Department of Political Science at the University of Victoria. The purpose of the project is to facilitate inter-disciplinary research into the various issues that have been raised in the course of recent controversies over the future of Clayoquot Sound. The premise is that researchers, analysts, policy-makers, and ordinary citizens can learn much of general significance from careful reflection on the Clayoquot experience. Clayoquot has been the site of innovative scientific research, sophisticated efforts to articulate new principles of sustainable development, and powerful movements to relate contemporary decision-making to traditional ecological knowledge and the rights of First Nations. Clayoquot has been at the centre of a global environmental campaign, and various legal precedents (as well as new policies for forestry) have been established in the course of dealing with that campaign. The political struggles in and around Clayoquot Sound have been difficult and frustrating for all concerned. There have been pioneering efforts at Clayoquot to establish alternative forms of dispute resolution. If nothing else, these efforts have shown how much we have to learn. The Clayoquot Project is designed to facilitate learning by encouraging site-specific reflection and research. Too much of the work on this range of issues is thinly informed by actual experience. By taking advantage of the work that has already been done in the region and tapping into the exceptionally sophisticated local debates about the region's future, analysts and researchers can test and refine ideas of much wider application. Out of the travails of Clayoquot should come political, social, and scientific learning of a sort that will be of benefit not only to people in the region, but to people more generally. **The clayoquot project** is intended to contribute to that process.

What follows is an Interim Report on an evolving project. We would appreciate comments, criticisms, and suggestions for further initiatives.

This Project has been seeded by funding from Research Grant No. 410-94-0575 from the Social Sciences and Humanities Research Council of Canada. We are grateful to the SSHRC for its contribution not only to this project but to other research in the humanities and social sciences in Canada. In recent years, SSHRC has been virtually the only source of funding for Canadian researchers in these fields. Faced with repeated cuts to its budget and ongoing pressures to divert its limited resources into projects with an immediate pay-off, the SSHRC has continued to provide *some* funding for basic research in the humanities and social sciences. Without this support, it is difficult to see how independent academic work in these fields could continue.

For the International Workshop on the Politics of Clayoquot Sound, we have received vital support from the International Development Research Centre, the International Institute for Sustainable Development, the Canadian Forestry Service, the Foundation for Ecology and Development, the Canadian Centre for Foreign Policy Development, the Committee on Alternatives for British Columbia, and Lighthawk Air Services. We are truly grateful to all of these agencies, which have supported our work without strings and in a real spirit of intellectual openness.

The President of the University of Victoria, Dr. David Strong, the Associate Vice-President for Research, Dr. Alex McAuley, and the Dean of Social Science, Dr. John

Schofield have all been supportive. The Eco-Research Chair, Dr. R. Michael M'Gonigle, has provided us with important material assistance, as has Dr. R.B.J. Walker, co-Editor of the journal, *Alternatives: Social Transformation and Humane Governance*. The University Archivist, Jane Turner, has provided useful guidance in the development of our Archive. Many people have loaned or donated materials to the Archive, or have offered assistance in locating materials. We are especially grateful to Joan DuBlanco, Barry Campbell, Maureen Fraser, Nancy Turner, and Lorna Walsh, as well as to the Association of BC Professional Foresters, the BC Securities Commission, the Clayoquot Biosphere Project, the Clayoquot Sound Central Region Board, the Clayoquot Sound Scientific Panel, Cortex Consultants, the District of Tofino, the Forest Alliance of BC, Friends of Clayoquot Sound, Greenpeace Canada, International Forest Products, the Long Beach Model Forest Society, MacMillan Bloedel, the Ministry of Aboriginal Affairs, the Ministry of Forests, the Office of the Ombudsman, Parks Canada, the Sierra Club of Western Canada, the Sierra Legal Defence Fund, and the Western Canada Wilderness Committee.

We have had invaluable assistance from Valerie Langer, who has been principally responsible for fund-raising, and who did much of the ground-work for both the Archive and the Workshop. Andrew Ross created the Clayoquot DataBase, and sustained the Project office during the summer of 1996. Kevin Brown and Ian Matthews have provided additional assistance during the 1996-97 academic year. Tami Jones will be assisting us during the upcoming International Workshop, with help from Geoff Whitehall, Juliet Craig, and Andrew Ross. We are truly grateful for this support -- and for the funding that has made it possible to pay these students at some fraction of their real worth to the Project. We are especially indebted to Valerie and Andrew.

We have had much assistance from people in the Clayoquot Region. We are especially grateful to the Nuu-chah-nulth people, who have shown great patience (as always) with incomers to their land. It is an honour to be touched by their generosity and wisdom. Many other people in Tofino and Ucluelet have also been helpful and supportive. If we do not name individuals here, it is for fear of some unintentional omission, and not for want of remembering people's kindness. The Clayoquot Region has often been vexed by outsiders who claim to know what they cannot know. We are grateful to all those who have helped us to proceed to better understandings. It is a tribute to the people of the Region that there is such openness to academic inquiry and such willingness to share knowledge.

## THE CLAYOQUOT ARCHIVE AND DATABASE

Clayoquot Sound has been the site of numerous studies and reports, and there have been many complicated negotiations with regard to the future of the Region. One of our purposes has been to make the available information -- some of which is relatively inaccessible and in danger of being lost -- accessible to the wider community. The community concerned is in the first instance the people of the region itself. However, there has been such interest in Clayoquot among students, academic researchers, policy analysts, journalists, and others that the need for information resources is quite disproportionate to the facilities available in a region with just a few thousand inhabitants. One of our purposes has been to facilitate the collection and preservation of materials that might otherwise disappear, and to make these materials accessible both to the local community and to interested researchers. To this end, we have taken a number of related initiatives:

* identification and analysis of existing collections of materials about the Clayoquot Region and assessment of their accessibility
* establishment of a research collection, to be made available at the University of Victoria to scholars, students, and other researchers
* creation of an on-line Clayoquot Data Base, with an index to the U Vic research collection and cross-referencing to other known collections of Clayoquot documents
* Freedom of Information Requests to the Ministry of Aboriginal Affairs and the Ministry of Forests to secure copies of documents not otherwise available
* application to the Long Beach Model Forest for support of a Tofino-based archive, linked to the University of Victoria

There has been strong support for the development of a community-based archive from most of the interested groups in the Clayoquot Region, as well as from researchers and archivists at the University of Victoria. However, there has been some suspicion that the Archive might have too much of an "environmentalist" slant. The Long Beach Model Forest has not been prepared to fund the project without unanimous support from all sections of the community.

Applications have been made for a University of Victoria Research Grant and an Employment Canada Summer Career Placement to support Andrew Ross's work on the Archive and DataBase over the summer of 1997. This will be a continuation of the work that Ross did during the summer of 1996. (See his Report, attached as Appendix 1.) By August, we expect that he will have completed the necessary cataloguing and established the Data Base on a Web Site that is accessible from any location. The documents in the research collection will be turned over to the McPherson Library at the University of Victoria or to the Tofino Municipal Library, as appropriate.

Karena Shaw has initiated discussions about the possibility of a local agency in the Clayoquot Region taking responsibility for further development of the Archive and DataBase. These preliminary soundings have been encouraging, and we are optimistic that we can work out an arrangement that is beneficial both to the local community and to

the University of Victoria. A project of this kind would be fundable under the Extension program of the Forest Renewal B.C. However, there is a need at this time for seed money to support preparation of a community-University application of this kind.

## FREEDOM OF INFORMATION

As noted, we have had to make several Freedom of Information requests to the Ministry of Forests and the Ministry of Aboriginal Affairs, to gain access to documents that ought to be placed in the Clayoquot Archive. The Ministries insisted that we pay fees for this purpose, and we appealed their decisions to the Information and Privacy Commissioner. In two path-breaking decisions issued on 18 March 97, the Information and Privacy Commissioner ordered the Ministries to waive the fees in question. This sets an important precedent, highly favourable to academic research in the Province.

The decisions of the Information and Privacy Commissioner are attached as Appendix 2.

## INTERNATIONAL WORKSHOP ON THE POLITICS OF CLAYOQUOT SOUND

Plans for the upcoming International Workshop on the Politics of Clayoquot Sound (9-11 May 97) are now well advanced. Most of the funding for the Workshop was raised by Valerie Langer, who will be one of 11 local resource people in attendance. Most of the participants will be from the academic community. They include 17 professors and 4 students from the University of Victoria, 10 professors and 1 student from other Canadian academic institutions, and 10 scholars from universities in the United States, India, and Holland. There will also be 9 representatives from Canadian and international NGOs. As noted above, financial support for the Workshop has come from the International Development Research Centre, the International Institute for Sustainable Development, the Canadian Forestry Service, the Foundation for Ecology and Development, the Canadian Centre for Foreign Policy Development, the Committee on Alternatives for British Columbia, and various sources at the University of Victoria.

Explanatory materials related to the Workshop are attached here as Appendix 3. The Workshop is intended to stimulate reflection and encourage further research on the various issues that have been raised in recent years in the Clayoquot Region. Karena Shaw has compiled a two-volume set of *Clayoquot Documents* as background for the Workshop. If sufficient funding is available, this collection will be re-edited in light of the Workshop discussions, and made available to interested parties in the Clayoquot Region. We would like to supplement these documents with audio-visual materials. There are many video and audio tapes already in existence that could be collected, catalogued, and (as appropriate) re-edited to create more usable research resources. It would also be appropriate to conduct structured, recorded interviews with a number of the leading figures in the recent controversies, in order to enrich the audio-visual archive. However, there is no present funding for this work.

We expect that the Workshop will stimulate a number of independent research projects, and help to illuminate ongoing academic work in various fields. The disciplines

represented in the Workshop discussions include anthropology, biology, communication studies, environmental studies, First Nations studies, history, law, philosophy, political science, and sociology. It is not our purpose to coordinate or discipline other people's research projects, but rather to facilitate a conversation that will lead to new thinking and foster unexpected collaborations. We are also anxious to facilitate connections between the local community, NGOs, and academic researchers. Such connections are bound to be mutually beneficial.

### *RAINFOREST CRUNCH*: The Politics of Clayoquot Sound

Of course, we do have our own academic project in mind, which is to produce an innovative work of political theory, keyed to the politics of Clayoquot Sound. Almost everyone agrees that the politics of the disputes at Clayoquot have been difficult and complicated. Everyone also agrees that these disputes are likely to continue, and that they will be difficult to resolve satisfactorily. Disputes of this sort are becoming increasingly common, and researchers in all fields are conscious of the fact what happens anywhere is determined by a political process. Unfortunately, there has been too little attention to "the political" in academic research and public discussion. People gesture at it, but have few means of understanding it. Old understandings of the political -- even in their most refined academic form -- often add to the confusion. In the circumstances, there is a great need to bring the latest innovations in political theory to bear on issues like the ones that have been raised at Clayoquot. On the other hand, there is little doubt that as a "case" Clayoquot offers many challenges to existing theoretical work. Our intention is to develop a book that grows out of the challenges to theoretical understanding that arise from the Clayoquot experience. To this end, we have invited a number of leading political and social theorists to the Clayoquot Workshop.

We have made an informal arrangement with the University of Minnesota Press for publication of this volume in its series on "Globalization and Community". A brief of our prospectus is attached as Appendix 4. The exact shape of the book will be determined by conversations that develop at the Clayoquot Workshop. We hope to have a firm list of contributors by 15 June 1997, and to have a finished manuscript in hand by 15 March 1998. The Clayoquot Archive and DataBase, as well as the materials developed for the Workshop will provide crucial support for this collaborative project.

## FUTURE INITIATIVES

A number of other initiatives are being considered in relation to the Clayoquot Project. The University of Victoria has emerged as a major centre of research with respect to forest policy, sustainable development, local ecology, and so on. However, it has been difficult to secure support for research initiatives that put politics at the centre of inquiry. This is partly the result of the policies of external funding agencies, which tend to displace research from political questions. We would like to challenge the policies of these agencies, by pursuing a research strategy that not only focuses on "the political" as a subject of inquiry, but that insists on the priority of basic theoretical work in relation to policy studies and prescriptive accounts of political practice.

The Department of Political Science at the University of Victoria has emerged as a leading centre for the study of contemporary social and political thought. Its strong program in political theory is enhanced by connections with a number of other departments at the University, which have contributed to the development of an innovative, interdisciplinary graduate teaching program. James Tully, R.B.J. Walker, and Warren Magnusson are establishing a research group in political theory, which will build on previous initiatives within and outside the University. Besides being Chair of the Department of Political Science at Victoria, Tully is an Adjunct Professor at McGill and Cambridge Universities, and he has recently been an adviser to the Canadian Royal Commission on Aboriginal Peoples. A leading historian of modern political thought, he has been especially interested in issues related to cultural difference and indigenous cultures. Walker is lead editor of the important theoretical journal, *Alternatives*, which is the organ for an international network of research institutions in New York, Delhi, and Tokyo. He himself is a major theorist of international relations. Magnusson is primarily a theorist of urban and local politics, with a particular interest in social movements and contemporary political economy. As the senior theorists in the Department of Political Science, Tully, Walker, and Magnusson are especially interested in connecting theoretical work with the empirical study of contemporary political phenomena. They have a special interest in considering issues that traditionally have been "outside" the realm of mainstream political theory and political science.

Karena Shaw is one of a number of junior theorists who are associated with the Department. The interests of this group are diverse, but they point toward a range of phenomena that are often neglected, but nonetheless are crucial to understanding contemporary politics. The Clayoquot Project is indicative of the kind of collaborative work that emerges in the context of the ongoing theoretical dialogue in the Department. The Project brings together not only the theorists associated with the Department, but also a number of theoretically astute empirical researchers from different disciplines within and outside the University. The Project focuses attention on an important set of theoretical issues, stimulates cross-disciplinary dialogue, and opens the way for new research initiatives. The impact of this sort of activity is greater than can be immediately measured.

Once we complete our own book on Clayoquot, we will be moving on to other issues. However, we hope by that time to have set in train some complementary projects for which we will not have the prime responsibility. These should include not only a community-based Clayoquot Archive, but perhaps also a separate book on the political economy and political sociology of Clayoquot Sound. For ourselves, we anticipate other initiatives with our colleagues in political theory -- initiatives that will raise new questions about the politics of the twenty-first century and offer us some new ways of thinking.

## FUNDING

Projected revenues and expenditures for the Clayoquot Project from 1 April 96 to 31 August 97 are indicated below. Only such expenditures as we can now fund are indicated here. We are searching for support for further community outreach and empirical research related to Clayoquot politics.

### Expected Revenues

| | | |
|---|---|---|
| Workshop Registration Fees | | $ 1,500 |
| International Development Research Centre | | $10,000 |
| Foundation for Ecology and Development | | $13,500 |
| Canadian Forestry Service (Northern Region) | | $ 7,000 |
| International Institute for Sustainable Development | | $ 5,000 |
| Canadian Centre for Foreign Policy Development | | $ 1,500 |
| Social Sciences and Humanities Research Council | | $13,010 |
| External Research Grant [WM] No. 410-94-0575 | $8,650 | |
| Internal Research Grant [WM] (pending) | $3,360 | |
| Internal Research Grant [RW] | $1,000 | |
| Employment Canada (Summer Career Placement: 1997 pending) | | $ 4,760 |
| Eco-Research Chair, University of Victoria | | $ 1,500 |
| Committee on Alternatives for British Columbia | | $ 850 |
| **TOTAL REVENUES** | | **$ 58,620** |

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| **TOTAL REVENUES** | | **$ 58,620** |

### Expected Expenditures

| | | |
|---|---|---|
| **Organizational Support** | | **$ 8,500** |
| Fund Raiser | $3,000 | |
| Program Coordinator | $2,500 | |
| Facilities Coordinator | $2,000 | |
| Travel Coordinator | $1,000 | |
| **Clayoquot Data Base** | | **$ 8,500** |
| Research Assistant | $6,500 | |
| Archive Materials | $1,000 | |
| Programs and Programming Assistance | $1,000 | |

| | | |
|---|---|---|
| **Workshop Materials** | | **$ 6,000** |
| Book of Readings (70 copies; 716 pp. @ $.05/p) | $2,500 | |
| Editorial Assistance | $2,500 | |
| Commentaries on Readings (70 copies, 140 pp. @ $.05/p.) | $ 500 | |
| Programs and Related Information | $ 500 | |
| **Communications** | | **$ 1,500** |
| Telephone, FAX | $ 500 | |
| Photocopying, Postage | $1,000 | |
| **Catering** | | **$ 4,000** |
| Coffee, etc. | $ 200 | |
| Lunches | $1,800 | |
| Opening Banquet (May 9th) | $2,000 | |
| **Local Travel** | | **$ 2,000** |
| Shuttle Bus | $ 500 | |
| Boat Excursion | $1,500 | |
| Flight | *gratis* | |
| **Support for Participants** | | **$17,000** |
| American Scholars (x 5) | $5,000 | |
| Asia Pacific Scholars (x 3) | $5,000 | |
| European Scholars (x 1) | $1,000 | |
| Junior Canadian Scholars (x 2) | $1,000 | |
| Central Canadian Graduate Students (x 2) | $1,500 | |
| U Vic Graduate Students (x 4) | $2,000 | |
| Resource People (Non-Academic) | $1,500 | |
| **Community Outreach** | | **$ 4,000** |
| Re-Edited Book of Readings (50 copies, 800 pp) | $2,500 | |
| Audio-Visual Materials | $1,500 | |
| **Editorial Assistance** (4 mos. @ $10.80/hr. + casual) | | **$ 7,000** |

**TOTAL EXPENDITURES** **$58,500**

APPENDIX 1

# The Politics of Clayoquot Sound: research guide and summary of work to date

August 29, 1996

prepared by Andrew Ross,
for the *Politics of Clayoquot Sound* research project.

*Department of Political Science*,
UNIVERSITY OF VICTORIA,
Victoria, BC, V8W 3P5

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**Appendix 4**: Ministry of Forests, Public Affairs Branch, file list on Clayoquot Sound .


(NOTE: THE APPENDICES TO THIS REPORT ARE AVAILABLE ON REQUEST)

# 1 PROJECT OVERVIEW

This report has been produced as a supplement to the information available on the Clayoquot Sound database, a resource developed for the *Politics of Clayoquot Sound* research project. This project has a number of related components:

1. "The Politics of Clayoquot Sound" - an international academic workshop to be held in Tofino, May 1997
2. *Rainforest Crunch: the politics of Clayoquot Sound* - an edited collection of essays, to be completed late in 1997.
3. "Issues in International Politics: Local/Global Politics in Clayoquot Sound" - an undergraduate course offered in the Department of Political Science, University of Victoria
4. Clayoquot Sound Database - a temporary collection of research materials for the workshop, publication, and undergraduate course
5. The Clayoquot Archive Project - A longer-term collection of archival materials relevant to Clayoquot Sound.

Since the Clayoquot Sound Database is only a partial collection designed for the particular needs of this project, and since The Clayoquot Archive Project is not fully underway, this research guide has been developed to supplement the resources available through the research collection and its database. The guide aims to act as a gateway to further resources on the politics of Clayoquot Sound. It is also designed to facilitate an easy transformation of this collection into the larger archive, once the current research project is completed.

# 2 'JUNIOR RESEARCH ASSISTANT'

This report is not intended to be a research guide exclusively; it is also a summary of my own work as 'Junior Research Assistant.' While the report itself represents the work I have done, I will provide a brief introduction to the objectives associated with my research position, and the progress made in achieving those objectives.

I began with a two-fold mandate. The first objective was to collect and catalogue materials for a research collection. These materials were to include all major publications and materials

relevant to Clayoquot Sound politics. The collection which would result from this effort would be used as a resource-base for the undergraduate course in Political Science, the academic workshop, and the preparatory work for the collection of essays.

In the process of this work, however, it was expected that I would encounter collections of research and archival materials which would exceed the specific needs of the research project. Since I would be encountering these collections in the course of my work, the second of my objectives became the preliminary assessment of materials existing in various locations--an assessment which could later be used to develop a more comprehensive, longer-term archive.

So, as the research materials were being collected, I made notes as to the resources available in various private and institutional collections, and the terms by which those collections could be accessed in the future. The results of this assessment are provided in the fourth section of this report.

The research collection, while more focussed than the larger archive, has become a sizable resource. For this reason, the collection needed to be catalogued, to ensure ease of maintenance and maximum accessibility. I have designed a database--temporarily called the 'Clayoquot Sound Database'--to store relevant information on research materials, and facilitate access to those materials. The database may also serve, however, as a model from which a more comprehensive system could be established, for the purposes of the archive project. The Clayoquot Sound Database is described in the third section of this report.

# 3 CLAYOQUOT SOUND DATABASE

## 3.1 DATABASE OVERVIEW

The Clayoquot Sound Database has been created in Microsoft Access 7.0, and requires a Windows 95 operating system. There is currently a security system associated with the database, to prevent unintentional deletions or modifications. This system can be by-passed, however, to add records or modify the design of the database itself.

MS Access provides four main components to each database: tables, queries, reports, and forms:

- Tables are where the data is actually stored, and tend to look somewhat like a table one would see in a word processor.
- Forms are the 'windows' through which one views the data contained in a table; it is in 'form mode' that records are viewed and edited.
- Reports are mini-programs which can extract and print specific aspects of a table. For example, one could print a list of only the title and author from each record in this database.
- Queries are mini-programs which enable one to construct a more user-friendly interface for searching the database. There are no queries constructed for this database; however, simple searches can be

executed with a 'search' button on each of the forms.

The program is mouse-driven, but can also be used by 'tabbing' through the fields of each record. Any time a field--ie. title, author, or date--needs to be edited or searched, that field has to be selected by clicking the mouse on it or tabbing until the cursor appears in that field.

The database is loosely modelled after the format used by many library catalogues. There is a short view, designed for viewing the records only. Fields with no information do not show up in short view. There is also a long view, designed for editing the records. All fields are visible in long view.

A report has been produced, listing all entries in the database to August 27, 1996 (appendix 1).

## 3.2 FIELDS

Most fields are relatively consistent with those of the standard library catalogue format. These include:

- *author*
- *title*
- *place of publication*
- *publisher*
- *year of publication*
- *physical description*
- *notes*

Some fields are specially designed to account for information specific to the materials in this collection:

- *Month and day of publication*: this field was added for the many primary materials which have specific and significant months and/or days of publication.

- *Format:* because there is so much unconventional material in the collection, the format field was added to describe the 'type' of document/material held under a particular record. These include:

| | | |
|---|---|---|
| · Edited book | · Monograph | · Journal article |
| · Dissertation | · Thesis | · Published report |
| · Unpublished report | · Unpublished manuscript | · Campaign material |
| · Correspondence | · Newsletter | · Press release |
| · PR materials | · Map | |

- *Journal:* if the record is a journal article, the journal title is listed under this field, along with the volume and number, if available. If the record is a journal itself, and it

has a special issue title or an overall title for that issue, the journal title is also given in this field. If the record is a journal, but has only the journal title, that title is listed under the 'title' field.

· *Source (long view only):* because this collection has been gathered from numerous sources, and in some cases consists of donated items, the source of each record is listed. These are abbreviated within the database and include:

ABCPF - Association of British Columbia Professional Foresters, Vancouver
CBP - Clayoquot Biosphere Project, Tofino
Dublanko - Joan Dublanko, tourism rep., Sustainable Development Strategy, Tofino
FABC - Forest Alliance of British Columbia, Vancouver
FOCS - Friends of Clayoquot Sound, Tofino
GP - Greenpeace, Vancouver
Interfor - International Forest Products Limited, Vancouver
LBMF - Long Beach Model Forest Society, Tofino
MAA - Ministry of Aboriginal Affairs, Victoria
MacPherson - MacPherson library, University of Victoria
Maureen Fraser - Tofino Chamber of Commerce, Tofino
MB - MacMillan Bloedel Limited, Vancouver
MoF - Ministry of Forests, Victoria, Nanaimo, or Port Alberni
Nancy Turner - member, Scientific Panel, University of Victoria
Office of the Ombudsman - Victoria
PRNP - Pacific Rim National Park, Tofino
SCWC - Sierra Club of Western Canada, Victoria
Securities Commission - British Columbia Securities Commission, Vancouver
SLDF - Sierra Legal Defense Fund, Vancouver
Walsh - Lorna Walsh, Councillor, District of Tofino, Tofino
WCWC--Van. - Western Canada Wilderness Committee, Vancouver
WCWC--Vic. - Western Canada Wilderness Committee, Victoria
Not held - the record is of an item not held in this collection

· *Abstract (long view only):* a brief description of the item, usually excerpted from an introduction or executive summary. Primarily included in records of items not held in the present collection.

## 3.3 COPY STATUS

The copy status section of both the short and long view forms provides information about where to find an item. The section contains the following fields:

· *Location:* the copy status section of the database form tells you where a particular record can be found. The first location listed is always 'Clayoquot Archive.' However, not all items are actually held in the present collection; if the call number in the top call number space begins with 'NAP,' that record is not held in this collection (under NAP in the collection, there may, however, be a copy of a title page,

introduction, or table of contents; such information is generally provided in the 'notes' field). Additional locations are given for NAP items so that they can be sought elsewhere.

In many cases, there is more than one location for a record. A second copy of many items is also held, and will appear as 'Clayoquot Archive' under the second location heading; 'c. 1' and 'c. 2' is tagged onto the end of the call number for these items. A very few items are held in three copies, in which case the third copy is only mentioned in the 'notes' field, and is stored with the other two copies. The third copy is not listed so as to leave room to list 'alternative' location, outside the current collection. These alternatives are added to provide researchers with other options for obtaining some items. This system is only at a preliminary stage of development; a more comprehensive means of locating resources in various collections, particularly outside Victoria, is yet to be developed.

The alternative locations listed to date are:

- Friends of Clayoquot Sound - Neil St., Tofino, BC, ph. (604) 725 4218
- Clayoquot Biosphere Project- Main St., Tofino, BC, ph. (604) 725 2001
- Sierra Club Archives- MacPherson Library Archives, UVic, ph. (604) 721 8258
- Ministry of Forests- Ministry of Forests Library, 31 Bastion Square, Victoria, BC, ph. (604) 387 3628
- MacPherson- MacPherson Library, University of Victoria, Victoria, BC, ph. (604) 721 8274

· *Call numbers:* call numbers take a variety of forms. They all, however, begin with one, two, or three letters and have a series of letters and numbers immediately following. If there are multiple copies of an item, 'c. 1' and 'c. 2' will appear tagged onto the end of the call number.

· *CAP*: most items in this collection have call numbers beginning with 'CAP.' CAP denotes records for which no cataloguing information is available, either from Cataloguing In Publication data or from Victor, the MacPherson Library catalogue at UVic. The numbers following CAP are assigned loosely (and arbitrarily) by subject area. These subject areas are:

- CAP 0001 - Meares Island and before
- CAP 1500 - Tourism - early studies
- CAP 1900 - Various pre-Sustainable Development Strategy materials
- CAP 2000 - Clayoquot Sound Sustainable Development Strategy
- CAP 3000 - Clayoquot Sound Land Use Decision, Old Growth Strategy, CORE
- CAP 4000 - Civil Disobedience, Clayoquot Summer 1993, Trials
- CAP 5000 - Scientific Panel for Sustainable Forest Practices in Clayoquot Sound
- CAP 6000 - First Nations, Interim Measures Agreement, Central Region Board

- CAP 7000 - Post-Science panel
- CAP 7300 - Maps
- CAP 7500 - Various Magazine articles
- CAP 8000 - Environmentalist literature
- CAP 8500 - Industry literature

- *NAP:* some items not held in the Clayoquot collection have been included in the database, if they were of potential interest to academic researchers, but too large to justify copying. These have been given call numbers beginning with "NAP." While there may be a copy of a table of contents, title page, or abstract filed under that NAP number, the actual item or document is itself not held in this collection. There is an alternative location provided for each NAP item.

- *Library of Congress call number:* if an item is held by MacPherson library, it is given the same call number as the copy at MacPherson. These are based on the Library of Congress Cataloguing in Publication data. Most of the records in this collection with library call numbers begin with 'HD' or 'SD.'

- *Dewey*: items with an alternative location listed as 'Ministry of Forests Library' will have Dewey decimal call numbers. (eg. 333.456 I87)

- *ISBN (long view only):* for records with publication data, the ISBN number from the inside cover is included.

- *Victor number (long view only):* for records which are held at MacPherson Library, the Victor Number is recorded.

# 4 ALTERNATIVE LOCATIONS: GUIDE AND ASSESSMENT

In the process of collecting materials for this research collection, I have attempted to make a preliminary assessment of the resources available at other locations. The materials held in these collections have been assessed with varying degrees of detail. Where files were well organized and/or minimal, most items were recorded. In some cases, however, files were endless and disorganized, in which case only a general synopsis was made.

## 4.1 VANCOUVER - July 8-9, 1996

- *BC Wild*
102 - 198 West Hastings St.

BC Wild is a conservation organization and has only its own campaign files. These are not

available to the public, until such time as their campaign is over. They do, however, have a collection of newspaper clippings available to the public.

· *Western Canada Wilderness Committee*
20 Water St.

WCWC has some public files on Clayoquot Sound and related subjects (eg. Meares Island, MacMillan Bloedel). Most of these files, located at their 55 Water Street publications office, are old, and are limited to newspaper clippings. They also have considerable materials in their campaign files, most of which are held by the Clayoquot campaign director, Adrianne Carr. These are not generally available to the public, due to their politically sensitive nature. However, selected materials were provided by Adrianne for our research files; these included WC reports, maps, newsletters, and other publications. Once their Clayoquot campaign is finished, these campaign files could be made totally available to an appropriate depository.

· *British Columbia Forest Alliance*
1055 Dunsmuir (plaza level)

The Forest Alliance has an information centre at 1055 Dunsmuir Street in Vancouver. There, they have a collection of materials related to BC Forestry in general. These materials are listed on an on-line database (telnet://forest.fabc.bc.ca). They also have two files of uncatalogued materials on Clayoquot Sound in their subject files. These contain almost exclusively public relations materials (mostly industry), and press releases. They have one copy of the government's 1994 "Review and Analysis of Sierra Legal. . ." report. The Forest Alliance publishes a quarterly newsletter *Choices*, several of which have contained articles on Clayoquot Sound.

· *University of British Columbia Libraries*
University of British Columbia

All UBC library materials are listed on the UBCLIB on-line catalogue. Neither Special Collections/Archives nor the MacMillan Forestry library has materials which are not listed. In general, UBC does not have any notable materials over and above those available at UVic or elsewhere. The archives hold MB records, but only those dating from the 1950's and earlier.

· *Greenpeace Canada*
1726 Commercial St.

Greenpeace has a considerable amount of material relevant to Clayoqout Sound. They have a subject library in their forestry campaign office. Relevant subjects include:

- BC Forest Alliance (FABC)
- BC Government ie. Clayoquot
- Clayoqout Sound Land Use Decision
- Clayoquot Trials
- CPPA/IPP & Other Industry Prop.
- Ecotrust, Sierra, WCWC
- First Nations
- Greenbase re: MB and Share
- Legal Stuff
- MacMillan Bloedel (MB)
- MB Clayoqout
- MB and Harmac
- Pulp and Paper Workers Assoc.
- Rainforest Action Network
- Science Panel
- Share BC
- Share/FABC
- Silva Ecoforestry
- WCWC Docs. & Publications
- World Wildlife Fund/FOE

These subject files are publicly accessible, and contain mostly reports and public relations materials. They are not always easy to use, since Clayoquot-related materials can be found in so many places.

Greenpeace also has campaign files which contain more internal documentation. I decided that I did not have time to search through them all, particularly in lieu of their state of disorganization. These files contain some sensitive materials, and would be only partially accessible.

- *Sierra Legal Defence Fund*
214 - 131 Water St.

The SLDF has been involved with two major cases related to Clayoquot Sound. For the Greenpeace and Valerie Langer versus MacMillan Bloedel case, they have four file boxes of materials, mostly court documents. For the TFL 44 case, they have one file box. These are open to the public for viewing as they contain mostly records of court proceedings. There are some "correspondence" files in those boxes which, to ensure client confidentiality, are not available for public viewing. The SLDF has the following documents, listed by court case:

- *Court of Appeal - GP / Valerie Langer vs. MB*

  - Application Book for Leave to Appeal. Sep. 14, 1993. Var. Pag.
  - Applicant's Book of Authorities for Application for Leave to Appeal. N.d. Var. Pag.
  - Memorandum of Argument and Supplementary Application Materials of the Respondant, MacMillan Bloedel Ltd. On the Leave Application of Greenpeace Canada. Sep. 21, 1993. Var. Pag.
  - Appeal Book. Dec 23, 1993. 270 pp.
  - Materials for Settlement of Leave Orders. Dec. 10, 1993. Var. Pag
  - Joint Book of Authorities, Vols I, II, III, IV, and V. N.d. Var. Pag.
  - Factum of the Appellant Valerie Langer. Dec. 31, 1993. 36 pp.
  - Memorandum of Argument for Review Application. N.d. 29 pp.

- Affidavit. N.d. 3pp.

- *Court of Appeal - MB vs. Sheila Simpson et al. and Adam Baker*

  - Factum of the Respondent the Attorney General of BC. [Jan 14, 1994-?]. 75pp.
  - Appellants' Intended Factum. N.d. 115pp.
  - MB vs. Betty Shiver Krawczyk et al. Mar 28, 1994. 12pp.
  - Appellant's Factum. Jan. 4, 1994. 34 pp. + appendices.

- *Supreme Court of British Columbia - Greenpeace vs. MB*

  - Memorandum of Argument of MacMillan Bloedel Ltd. in opposition to application to set aside injunctions. August 19 & 20, 1993. Var. Pag.
  - Chambers Book of Authorities, Greenpeace Canada. N.d. Var. Pag.
  - Application Book for Leave to Appeal. N.d. var. Pag.
  - Chambers Book of Authorities: Respondent. N.d. var. Pag.
  - Brief of Authorities of the Defendant John Doe, Jane Doe and Persons Unknown. N.d. Var. Pag.
  - Brief of Injunction Materials, vol I and II. N.d. Var. Pag.
  - Leave to Appeal Application. N.d. 19 p.

- *Supreme Court of British Columbia - MB vs. Sheila Simpson*

  - Reasons for Judgement, Mr. Justice Bouck, Aug. 30, 93, Oct 6, 93. 45 p.
  - Reasons for Sentencing of the Honourable Mr. Justice Bouck, Oct. 6, Oct. 13, 1993. 40 p.
  - Order, Justice Hall. Aug. 26, 93.
  - Reasons for Judgement, Honourable Justice Hall. Aug. 26, 93. 20 p.
  - Affidavit. N.d. 5 p.
  - Statement of Claim
  - Affidavit, Karen Mahon. Aug. 19, 93. 4 p.
  - Notice of Motion. Aug 19, 93. 2 p.
  - Submissions of John Vendova in support of a judicial stay of proceedings. N.d. 23 p.

- *Supreme Court of British Columbia - MB vs. Greenpeace*

  - Case on Appeal, Vol I: pages 1-209; Vol II: pages 210-417. N.d.
  - Factum of the Appellant Greenpeace Canada, n.d. 37 p.
  - Factum of the Appellant Valerie Langer. N.d. 23 p., appendices.
  - Book of Authorities of the Appellant Greenpeace Canada. N.d. Var. Pag.
  - Brief of Authorities of the Appellant Valerie Langer. N.d. Var. Pag.
  - Respondant's Book of Authorities. N.d. Var. Pag.
  - Factum of the Intervenor, the Attorney General of British Columbia. N.d. 20 p.
  - Respondent's Factum. N.d. 41 p.
  - Book of Authorities of the Intervenor the Attorney General of British Columbia. N.d. var. Pag.

- other files titled:
  - Clayoquot injunction: affidavits

· Clayoquot injunction: judgements and orders
· Pleadings: Clayoquot injunctions
· Clayoquot injunctions: relevant cases
· 6 other unlabelled files; mostly court documents; some correspondence; background legal documents; legal submissions from SLDF. . .

## 4.2 **TOFINO** - July 22-24, 1996

· *Friends of Clayoquot Sound*
Neil St.

The Friends have three filing cabinets and a resource library, as well as 2 unfiled boxes on Meares Island and 8 unfiled boxes of office files from the 1980s. The files and library resources are, more or less, available to interested researchers. File titles include:

· Ministry of Aboriginal Affairs
· Aboriginal title
· Acts
· Allies
· Arrestees
· Arrestee list
· Basking sharks
· BCEN
· Bioregionalism
· Black Bear Productions
· July 92 block-aid
· BC debates of legislative assembly
· BCEN
· BC Wild
· Bulson blockade - legal documents
· Business people's hijacking
· CANFOR
· Carmanah
· Cartoons
· Chinook Learning Centre
· Clayoquot Arm blockade
· Clayoquot Arm blockade
· Clayoquot Biosphere Project
· Clayoquot & Dissent
· Clayoquot's Last Stand
· Clayoquot Restoration Camp
· Clayoquot Land Use Decision
· CLUD - Central Region Board
· CLUD - Interim Measures Agreement
· CLUD - Science Panel
· CLUD - Apr. 13 and Jun. 1/93
· Clayoquot Rhythms
· Aboriginal language bill
· International actions - Apr. 13/94
· Alberni Environmental Coalition
· April 13/95
· Arrestee Certificate
· Balloon logging
· Bears and Bear watch
· Biodiversity Study
· Biosphere Reserves
· Black hole clearcut
· Brainerd Foundation
· BC environment
· BC government - ministers
· Building alliances
· Bulson trials - evidence
· Canadian endangered species coalition
· Canadian Rainforest Network
· Carnation Ck.
· Chamber of Commerce
· Chipko movement
· 92 Blockade - legal
· Clayoquot Band
· Clayoqout books/videos
· Clayoquot Express
· Clayoquot Rainforest Coalition
· Clayoquot River
· CLUD - additional copies
· CLUD - Interagency Review Team
· CLUD - Scenic Corridors Planning Process
· CLUD
· Clayoquot River Valley
· C.S. birds

- C.S. Sustainable Development Strategy '90
- Clayoquot Sound Infosheets
- Coastal fisheries forestry guidelines - Tripp rpts
- Coming Soon film
- Community
- Conservation International
- CORE
- Councillors
- Earthday
- Ecoforestry
- Ecological reserves
- Economic transition strategy
- EPA
- Environmental Appeal Board
- Endangered species
- European Parliament - resolutions
- Fisheries
- Fletcher Challenge Canada
- FCC correspondence
- Foreign articles on C.S.
- Forest Alliance of B.C.
- Forest practices code
- Forestry Canada
- Forests
- Forests - legislation
- Forest Stewardship Council
- Forestry - stats., facts, and figures
- MoF - Wilderness management
- Forest practices - selective logging
- FOCS - correspondence
- FOCS - economic transition strategy
- FOCS - history
- FOCS - minutes '91/'92
- FOCS - minutes of staff/director meetings 1
- FOCS - minutes of staff/director meetings 3
- FOCS - C.S. participation form '92
- FOCS - blockades
- FOCS - press releases 2 files
- Clayoquot Summer '94 - record of events
- Friends of the Earth
- Fundraising (many files)
- Great Clayoquot Sound reading and literary auction
- Green Plan
- Grizzly bears
- Headlines Theatre Co.
- Herbicides
- Interfor
- CSSDSSC - Tourism
- Clayoquot Witness trail
- Cold Ck.
- Commonwealth Games
- Community processes
- Conversion Committee
- Corporations
- District of Tofino budget, 1993
- EarthFirst
- EcoNews
- Economic diversification
- Ecoporn
- Environmental Action Network
- Environmental investment agency
- End and Means restoration article
- Federal campaign for Clayoquot
- Fish farms
- FCC clipping and news releases
- Flores Is.
- Forest Action Network
- Forest facts
- Forest resources commission
- Forests - articles
- Forests - cut permits
- Ministry of Forests
- Forest Watch
- MoF correspondence
- Forests - policies
- Forest and sustainability
- FOCS - donations
- FOCS - clayoquot fall/winter/spring '95
- FOCS - minutes '90
- FOCS - minutes of public meetings '93
- FOCS - minutes of staff/director meetings 2
- FOCS - newsletter, 1, 2, 3, 4, 5 files
- Peace camp participants
- FOCS - position statement, Apr. 1991
- Clayoquot Summer 93 - record of events
- FOCS strategic planning workshops
- Friends of Ecological reserves
- G/M articles - '93
- Green party
- Greenpeace (2 files)
- Grizzly project
- Herb's study (3)
- Hot Springs Cove
- International law

- Interim Conservation Committee
- IWA
- Jobs
- Kuuquot Nation
- Legal
- Letters from kids
- Letters to Tofino businesses
- Logging legacy of Broken Rules
- Lore and literature
- MB boycott info.
- MB (2)
- Marbled Murrelets
- Meares Is. 10th anniversary
- Meares Is. - literature
- Meares Is. - book
- Media '92
- Media clippings - 88-89
- Guerilla Media
- Megin Trial
- Mining
- Mohawk
- Nahmint
- Native Forest Network
- Native - liaison with
- Native - Nature Conservancy of Canada
- NDP (4)
- North Cowichan Environmental Protection Group
- Northwest Environmental watch
- Nuu-Chah-Nulth
- Nuxalk Nation
- Old Growth proclamation
- Outdoor Recreation Council (2)
- Oil spill task force
- Ombudsman
- Originals
- Parks - national
- Parks - provincial
- Pearson College
- Pesticides (3)
- Photos
- Economics
- Graphics/Cartoons/etchings
- C.S. press clippings - Sep. '93
- Prison related
- Protectors of Mother Earth
- Pulp and general info
- Propaganda
- Raging Grannies
- Rainforest Action Camp (2)
- Rainforest Action Network
- Recording Artists
- International Day of Action
- Jatan
- Juh-Juh Dids Council Declaration
- Land Use Plan
- Letters of support
- Letters to the Editor
- Liberals '92
- Logging on private land
- MB correspondence
- MB - criminal record
- Maps (8)
- Marine Mammal reports
- Meares Is. - articles
- Meares Is. - clippings
- Meares Is. - music
- PR events
- Media clippings - 89/90/91
- Media - US newspapers, 93
- Mid-Coast
- Model forests
- Moyer, Bill
- Native Land Claims
- Native issues
- Native - NRDC
- Nature Trust
- Non-violent workshop
- Northwest Coalition for Alternatives
- Nuclear issues
- Nuu-Chah-Nulth - treaty negotiations
- Oil spills (3)
- Old Growth management
- Old growth - general
- Forest watch
- Opinion polls
- Parks Plan 90
- Parks - miscellaneous
- Peace issues
- Leonard Peltier
- Petitions/signatures
- Poetry
- Graphics/pol. Cartoons/ masters
- C.S. press clippings - summer '93
- Press releases - 89/90
- Projects
- PIRGs
- PPWC
- Quotes
- Raincoast Conservation Society
- Rainforest Action Handbook
- Rainforest information centre
- RCMP

- Recycling
- Resources, info, people, pub.
- Robin Hood Times
- Robson Valley
- Pacific Salmon Management Council
- Save Georgia Straight Alliance
- Sea Shepherd Society
- Shark Ck.
- Share our Resources/Forests
- Share the Clayoquot
- SC
- SC - petitions
- Sign
- Bob Skelly
- Slides
- Societies Act - Annual reports
- Songs
- SPARC of B.C.
- Statistics
- Strathcona Park
- Sulphur Pass
- Sustainable Development BC Task Force
- SD - article
- SD - economics
- SD - UBC papers
- CSSDTF
- CSSDSSC
- Tatshenshini
- Telltale Productions
- TRAC
- TFL 39 - Haida Gwaii
- TFL 44
- Timber, Fish, and Wildlife
- Tools for action
- Toyius
- Tree free paper
- Tropical Rainforests
- Union articles
- Unlearning racism
- Valhalla
- VIDEA
- Walk for the rainforest '92
- Water
- West Coast Environmental Law
- WCWC
- Whales
- Wilderness
- Wilderness Gathering '90
- Recycling grants
- Restoration ecology
- Robson Bight
- Joan Russow
- Salmon
- School for Field Studies (Barnfield)
- Shark Ck. Package
- Share (3)
- Share Info.
- Sierra Club Ancient Rainforests At Risk
- SC - publications
- SLDF
- Silva Forest Foundation
- SLAPPS
- Societies Act - constitution/FOCS
- Solicitor general
- South Moresby
- SPCA
- Stein Valley
- Sulphur Pass - legal '94
- Sulphur Pass - statements
- Surfers' Environmental Alliance
- SD Strategy - 1st draft
- SD - Harcourt /NDP plan
- CSSDTF Steering Committee
- SD Strategy for C.S. 1991
- Taiga Resource Network
- Teachers' Kit
- Temagami
- TIN WIS coalition
- TFLs - general info.
- TFL 46
- Tofino, district of
- Tourism
- Tree Climb '92
- Tree planting
- Tsitika
- UN lobbying
- Ursus Valley
- VTRAC
- Walbran
- Waste management
- First watercount
- WC offshore
- Whalewatching, whalefest, whales
- Wholistic Forestry Association
- Wilderness Gathering '89
- Wilderness Gathering '91

- WG poster
- Wildlife Reserve
- Women's issues
- WWF
- Wildlife Branch
- Wolf
- Worldwatch
- Zero Population Growth

One unfiled Meares Island box was sifted through; it contains files titled:

- Aesthetics
- Archeological Study
- Flores Island
- Forestry - general
- Government propaganda re: Strathcona Park
- Habitat Working Group
- Meares Island
- Meares Island - Waterworks Working Group
- Meares Integrated Resource Group
- MoF/MoE
- News clippings (4)
- Offshore petroleum: who decides
- Planning Team Minutes, Nov. '82 - Mar. 83
- Proposal for Strathcona Park
- Social Economics Committee
- Various *Ha-Shilth-Ha*

The Friends also have unfiled boxes with the following labels:

- Financials, 1985
- Office documents files, 1980s
- Meares 1980s petitions
- Old stuff; Meares etc.
- Meares Studies
- House of Commons enviro. minutes
- Fish farm, Aquaculture publications
- Office files and documents, 1980s

- *District of Tofino*

Highway

Obtaining permission to view the district office's files required a written request to the council. Files are organized by subject, most of which derived from the DoT's involvement in the Clayoquot Sound sustainable development processes. Not all file headings correspond properly to the contents of that file. The district's files relevant to Clayoquot Sound comprise approximately 2 ½ feet of files; there are also, however, about six filing boxes (large) of unsorted material from the sustainable development and Tofino Creek processes. A proposal has been submitted to the council to have responsibility for these files (which are no longer in use by the District of Tofino) accepted by the Clayoquot Archive Project.

Files relevant to Clayoquot Sound politics were listed and given brief descriptions as follows:

- 3-16 Meares Island - correspondence/court case. (1) 5 yr development plans for Meares; Foulks resignation open letter; correspondence (First Watercount Systems, DoT, Fed., Prov.); (2) Correspondence.
- 3-17 Meares Island - reports. Meares Island Aesthetic Working Group reports; Meares Island Planning Team report; water supply assessments; fisheries inventory; reports on waterworks system.
- 3-29 Forestry companies - 5 yr. Development plans. Almost exclusively correspondence (individuals to Tofino Council) regarding scenic corridors/landscape forestry; letters from BCFP and FCC to Tofino Council.
- 3-30 Clayoquot Sound Sustainable Development Strategy Steering Committee. Task Force terms of reference; background papers for UBC "Planning for Sustainable Development" conference; second draft "Project proposal for the sustainable development plan for Clayoquot Sound."
- 3-30-1 Tofino Sustainable Development Committee. (1) Steering committee minutes; sustainable development meeting, May 31, 1989; correspondence (Province, District of Tofino, Village of Ucluelet, Alberni-Clayoquot Regional District, MB, FCC); synopsis of "Project proposal for sustainable development" January 1989, second draft; project proposal - 3rd. Draft, March 1989; briefs, drafts regarding project proposal.
  (2) more correspondence; minutes; report to the CSSDTF: report #2 "Discussion paper: toward a sustainable development strategy for Clayoquot Sound," August 25, 1990; list of appendices
  (3) more on TF formation: letters, news releases; more on short term roads/logging; Tofino Creek planning meeting minutes.
  (4) more minutes; correspondence; mining sector report, May 1991; fisheries sector report, Jan 1991; "Forest management sub committee draft recommendations for the Tofino Creek integrated resource management plan."
  (5) Strategy news; Darling report; "Environmentally sustainable forest management in the temperate rainforest - an alterative to silviculture and harvest model for the upper Tofino Creek," Natmessnig and Weber report; "An historical perspective: presentation to the SDS".
  (6) CSSDS reports (timber, aquaculture, cultural heritage); Final draft: "Forest management subcommittee recommendations for the Tofino Creek integrated resource management plan," March 1991; Memo re: Interim conservation; community values surveys.
  (7) Various evaluations of the Tofino Creek plan; DoT comments on MB M&WP #2 for TFL 44; 1st draft of the Nuu-Chah-Nulth section of the strategy report, sent to George Watts.
  (8) Strategy documents and public hearings.
  (9) Pre-1st draft of the strategy document, December 17, 1992; correspondence regarding strategy collapse; collection of submissions to the Strategy, March 11, 1992
  (10) petitions regarding DoT proposal for C.S. to move to CORE
- 3-30-2 Commission on Resources and Environment. Local press clippings.
- 3-30-3 Long Beach Model Forest Society. Proposals, drafts, and commentary.
- 3-30-4 Clayoquot Sound forestry practices/decisions. Science panel reports; MB report (NTC - GP - MB); BC Forest Renewal Plan; Forest Practices Code reports; Scenic Corridors Advisory Group draft minutes.
- 3-30-5 Clayoquot Biosphere Project
- 3-30-6 Tofino Creek, Block 6-46
- 3-30-7 Clayoquot Sound Scenic Corridors Planning Team
- 3-30-8 Clayoquot Sound Interim Measures Agreement/Central Region Board
- 3-31 List of local government services

- 3-32 Task Force on Sustainable Development for Clayoquot Sound, 1990. (1) Share stuff. (2) draft of Task force report; more Tofino Creek. (3) Tofino Creek IRM strategy: draft; task force report
- 3-33 Native issues. (1) early correspondence (1960s) re: residential schools
  (2) report of the BC Claims Task Force
  (3) local government and aboriginal treaty negotiations- defining municipal interest, report; BC Treaty commission report; correspondence re: NTC statement of intent to negotiate; memorandum of understanding re: Meares.

- *Clayoquot Biosphere Project*
Main St.

The CBP has an organized system of filing, with an index of all materials held in their library (see database for index). Much of the project's information is directed towards natural history type research, however there are some file boxes on various planning processes. The project also has a comprehensive collection of newspaper clippings with an index covering January 1988 to October 1994. Some of their files are:

- Clayoquot Sound Scenic Corridors. Landscape inventory; meeting minutes and agenda; terms of reference; Interagency planning team, draft agenda.
- Development management reports of Clayoquot Sound. "Ecologically sustainable economic development in Alberni-Clayoquot: adding value to wood"; Weber/Natmessnig report; Tofino Creek I.R.M. Strategy; Hammond report.
- Clayoquot Sound Sustainable Development Task Force. Darling report; MWP no. 1 for TFL 44; various resignation letters.
- Old Growth Strategy. See CBP index.
- CORE. See CBP index.
- Tofino Official Community Plan File
  - Tofino Politics File. [Mostly newspaper clippings.]
  - UMA Engineering Ltd.. "District of Tofino Official Community Plan." February 19, 1991. [includes maps, 51pp.]
  - UMA Engineering Ltd.. "Tofino Official Community Plan: Background Report Objectives and Policy Options." May 21, 1991. [includes maps, 68pp.]
  - "West Coast Sustainability Association." [2pp.]
  - White, Doug. "District Of Tofino Community Values Survey." January 15, 1991. [Bound, 82pp.]

- *Pacific Rim National Park (Barry Campbell)*
Highway

To date, we have only viewed the personal collection of Barry Campbell, an employee of the park. This collection contains approximately two feet of files. File titles and pertinent items were recorded as follows:

- Old Growth forests - values, preservation; forest management
  - "The future of our forests: a brief presented to the British Columbia Forest Resources

Commission," by the Regional District of Alberni-Clayoquot. N.d. 13 p. ; 28 cm.
· "Reservation of old growth timber for the protection of wildlife habitat on Northern Vancouver Island," MoE, MoF, Jan 19, 1983. [ii] , 48 p. + appendices ; maps ; 28 cm.
· "A preliminary assessment of the status of temperate rainforest in British Columbia," a report prepared for Conservation International by Keith Moore, February 1990. 23 p. ; maps ; 28 cm.
· "Protected Old-Growth Forests in Coastal British Columbia," Hans L. Roemer, Jim Pojar, and Kerry R. Joy. *Natural Areas Journal*, 8.3 (1988): 146-59.

· Clayoquot Sound - post NDP
· Clayoquot Sound Sustainable Development Steering Committee
· "Clayoquot Sound: life support services and natural diversity," Radcliffe, Gillian et al. A report prepared under contract to CSSDS. July 1991. Madrone Consultants Ltd. [x] , 165 p. ; maps ; 28 cm.
· Clayoquot Sound Sustainable Development Task Force
· "Results of the environment committee of the Clayoquot Sound Sustainable Development Task Force," n.d. , 1 p.
· "Advocacy position of the environment sub-committee of the Clayoquot Sound Sustainable Development Task Force," n.d. , 21 p.
· "Report to the Clayoquot Sound Sustainable Development Task Force: background notes regarding the preparation of a sustainable development strategy," June 8, 1990. 9 p. ; 28 cm.
· Forest Management - silviculture, TFLs, harvesting techniques
· Tofino Creek Integrated resource Management Plan
· "Ecological values subcommittee report," March 15, 1991. 13 p. ; map ; 28 cm.
· Ministry of Forests Literature
· Forest Industry Literature
· Various unfiled documents on Meares Island:
· "Meares Island Social and Economic Working Group Report," May 1982. [v] , 44 p. ; maps ; 29 cm.
· Untitled; "Preservation from logging option of the Meares Island Integrated Resource Management Plan," n.d. [50?] p. ; 29 cm.
· "The socio-economic values of PRNP with an analysis of this data with respect to Meares Island," brief submitted to: Socio-Economic Working Group, Meares Island Integrated Resource Management Plan, January, 1982. [iii] , 74 p. ; ill. ; 29 cm.
· Meares Island Planning Team Minutes, 1981-3.
· "The Wilderness Mosaic: the report of the Wilderness Advisory Committee," March, 1986. 132 p. ; maps ; 28 cm.

## 4.3 VICTORIA - *July-August, 1996*

· *Clayoquot Resource Centre*
MacPherson Library,
University of Victoria

The Clayoquot Resource Centre was a temporary (Winter 1993-94), Victoria-based organization, established to assist Clayoquot arrestees with their cases. An employee of the Sierra Club worked at the resource centre, and held onto some of the centre's files. These are

now held, with the Sierra Club archives, at the University of Victoria Archives. Because these files were disorganized and consisted mainly of court documents and newspaper clippings, they were not itemized.

· *Ministry of Aboriginal Affairs*
908 Pandora St.

Accessing 'non-public relations' files held by the Ministry of Aboriginal Affairs has required a request for information through the Freedom of Information and Protection of Privacy Act. MAA provided a file list from which we could narrow our initial request (appendix 2). We did so, and the Ministry provided a fee estimate of $720, based on those changes. We requested a fee waiver through section 75 (5) of the Act, and they agreed to reduce the fees by 50%. We are in the process of appealing their decision to the Commissioner. Our contact at MAA has been Gail Leatherdale, Assistant Director, Information and Privacy Information Management, Management Services Division, (604) 356 7041.

· *Ministry of Forests Library*
31 Bastion Square

This library has quite a large collection of materials on Clayoquot Sound. All materials are catalogued on a database, and shelved by call number. The database is not available via the MoF Internet sites. The library materials can only be loaned out to government employees, or through an inter-library loans request. Perhaps most significantly, the library holds documentation of some of the Sustainable Development Strategy's public consultation information. A title-keyword search on the library's database yields 61 items (listed in appendix 3).

· *Ministry of Forests, Vancouver Forest Region*
2100 Labiuex Rd.
Nanaimo

Accessing materials held by the Ministry of Forests has required a request for information through the Freedom of Information and Protection of Privacy Act. MoF provided a fee estimate for our request, as well as a general file list from which we could narrow that request (appendix 4). Since the fees were estimated at approximately $1, 900, we have applied for a fee waiver through section 75 (5) of the Act. As of August 29, no reply had been received. Our contact for this request is Fred Cleland, Regional Services Manager, (604) 751 7173.

· *Ministry of Forests, Public Affairs Branch*
300 - 1675 Douglas

We made a request for information through the Freedom of Information and Protection of Privacy Act, and the Public Affairs Branch provided us with a list of subject areas covered by their files (appendix 5). In conversation, however, it was agreed that the simplest way to narrow our request would be to view their files first, and then make a request for specific items. This was done, and the Ministry agreed, as of August 28, to provide the requested 70 copies free of charge. Our contact at Public Affairs has been Frank Veerkamp, Records Custodian, Information and Privacy, (604) 387 8491. The files at Public Affairs consist, in part, of the following items:

- 280-40 CLAY v1
  - CSSDSSC chronology
  - Letter to Al Gore from Premier Harcourt
  - Memo to all Government MLAs
  - Memo to Deputy Minister from Paul Kino, BCTDC London
  - Press releases
  - "Backgrounder: Logging in Clayoquot Sound"
  - Draft Cabinet Submission - Feb 24/93
  - Revised communications strategy

- 280-40 CLAY v2
  - Media coverage reports by media monitoring groups
  - Clayoquot communications update
  - MB Communications presentation to MoF
  - CORE response
  - FOCS news releases
  - MoF news releases
  - Times-Colonist map error
  - newspaper articles
  - suggested response letter for MLAs

- 280-40 CLAY v3
  - Government's response to CORE - NR's and reports

- 280-40 CLAY v4
  - BC Forest Service Briefing Note for Deputy Minister of Forests: CSSDSSC fails to reach consensus (26/11/92)
  - McLean's article
  - Solomon's choice
  - WC news releases
  - MoF briefing note "re: NRDC"
  - newspaper clippings
  - Japanese media
  - CSLUD
  - German Embassy
  - Various draft copies of the Clayoquot Householder
  - Briefing note: environmental rally in Clayoqout Sound

- 280-40 CLAY D
  - Sierra Club news releases
  - media coverage synopses

- 330-20 039 STCDA
  - "Interim (1991-1992)" document
  - News releases associated with it

- 295-20 039 CLAY SPAN
  - Science Panel progress report and news releases

- 160-20 FCLA
  - Friends of Clayoquot Sound File
  - one letter from Valerie Langer to Petter

- 330-20 020 SCAA
  - MoF news release regarding Sierra Club allegations

- *Sierra Club of Western Canada*
1525 Amelia St.

The Sierra Club have a number of active files on Clayoquot Sound. These are available for viewing, but not to leave the SC office. File titles, with only a brief description of respective contents, are as follows:

- Clayoquot 1996
  - Upper Clayoquot River Salmon Habitat Reconnaissance." Mike Morrell and Wendy Kotilla. Oct. 20, 1993.
  - IMA Extension Agreement
  - "The CBP's Community-Based Research Program: a vision for a scientific understanding of Clayoquot Sound."
  - Craig Darling paper "Working Towards Resolution: the evolution of the Tofino Steering Committee" from Community Options Forestry Conference: "Making Community Forestry a Reality."
  - FOCS letter to Ken Matthews, Feb. 29, 1996.
  - Clayoquot Sound Facts and Figures, Nov. 2, 1993.

- Not Filed
  - Chapman, Allan and Tony Chong. "Assessments of Developed Watersheds in Clayoquot Sound." Nov. 1995. [MoF report]
  - C.S. householder
  - C.S. Backgrounder. MB publication

- Clayoquot 1995
  - Symposium proceedings: Alternatives to Industrial Logging. . . Jul 14-15, 1995
  - FOCS news releases
  - Summaries of "symposium proceedings."
  - CRB letter to Ken Matthews. "Re: Interim Guidelines for Harvesting Applications in Clayoquot Sound."

- Silva Forest Foundation report on Science panel
- CRB letter to Petter, Cashore, Sihota, and CR chiefs. Nov. 15, 1995.
- *NY Times* letter to Clayoquot Rainforest Coalition. Nov. 9, 1995

- Clayoquot and Related
  - Seaton report
  - *Western Living* article

- *Sierra Club Archives*
MacPherson Library,
University of Victoria

These files are essentially the Sierra Club of Western Canada's inactive files. They have been maintained by the University Archives, and are accessible to the public at the MacPherson Library. The collection consists of two file boxes, one of which is mostly newspaper clippings. While these archives are inactive, they are not all that old; most items are not older than 1990 and some are as recent as 1994. The following is list of most items in the file box titled "Sustainability":

- Misc. Files at front of box
  - FOCS Summer 1991, Autumn 1992, Spring 1993, Summer 1993.
  - CORE "Public Participation I implementation of government Clayoquot Sound Land use Decision." July 19, 1993.
  - SCWC "Clayoquot Sound Logging Goes to Court." Press Release, July 6, 1993.
  - Cooperman, Jim, BCEN. "The Clayoquot Sound Decision needs to be Reversed." letter to the editor, nd.
  - SCWC "King Solomon's Choice." 4pp. Pamphlet
  - Harcourt. Letter to Anne Martin. July 28, 1993.
  - MB. Journal. April 1993, 13.4. Newsletter with CS focus.
  - Envisage: Environment and Land Use Perspectives. March 1993, 5.3. Newsletter
  - Anderson, David. Campaign material. October 8, 1993.
  - 10 key points on CS land-use decision. 1p.
  - BC government interagency review team announcement. 3pp.
  - "Canadians Clash over Future of Forests." Christian Science Monitor. Article

- File of unrelated material
  - "Clayoquot Sound Scenic Corridors landscape Management Plan. Draft. Jan. 17, 1994. Bound
  - Travers, O.R. "Total Resource Planning in Clayoquot Sound: Principles for Sustainable Forest Practices." S discussion paper, November 1994.
  - Rokach, Yafit. "Clayoquot Sound: Valuing the Priceless." BES program, FES, York University. 100pp Bound.

- From envelope titled; Clayoquot Clippings
  - Various internal memos obtained by Vickey Husband re: Coastal Fisheries/Forestry guidelines through freedom of information.

· WWFC. Working For Wildlife. Spring 1994. Newsletter.
· Travers, O.R. "An Analysis of the Jobs Issues Associated With the April 13, 1993 Clayoquot Decision of the Province of British Columbia." Unpublished Manuscript. October 7, 1993.
· Economic Considerations in the Clayoquot Sound Land Use Decision. 4pp. Fact sheet.
· Catt, Oz. Letter to Jean Chretien. March 30, 1995. 12pp.

· CL Initial Analysis of Forest Use in Clayoquot Sound, August 1989.
· Paper by Hammond, Herb and Brian Egan. Huge.

· CL Sustainable Land Use, 1989.
· Boulet, David. "Sustainable Development and the CS Experience: An Exercise of Bounded Rationality. UG paper for POLI 457.
· District of Tofino, SDSC Proposal. "Re: Timber Harvesting During the Term of the Planning Process. November 28, 1989. 5pp.

· CL Sustainaibility: CSSDTF, 1989.
· CSSDTF. Briefing Memorandum no. 2 & 3, 12pp.
· Steering Committee of the District Council of Tofino and the Tofino-Long Beach Chamber of Commerce. "Sustainable Development Strategy For Clayoquot Sound; a Project Proposal. May 1989. 2 copies.

· CL Sustainability: BC Government Response to CORE 1993, 1993.
· District of Tofino. "Brief To Clayoquot Sound Sustainable Development Task Force." November 22, 1989. 12pp.
· CSSDSSC. Area By Area Inventory of Features and Resources. Draft. February 5, 1992.

· CL Sustainability: SDS, 1989-92.
· Natmessnig, Gundrich and Jup Weber. "An Alternative Silviculture and Harvesting Model for Upper Tofino Creek." Unpublished manuscript. August 1992.
· Steering Committee of the District Council of Tofino and the Tofino-Long Beach Chamber of Commerce. "Sustainable Development Strategy For Clayoquot Sound; a Project Proposal. May 1989. 2 more copies.
· Green, David, SC. Memo to Gary Runka. Re: Aquaculture in Clayoquot Sound. February 27, 1989.
· Tofino Regional Tourism Study Executive Summary. Draft, November 22, 1988. (Ric Careless doc.)
· CBP. "a Vision for Scientific Understanding Of Clayoquot Sound. Bound document.

· CL SDS, 1992.
· CSSDS. The Clayoquot Strategy News. September 1992.
· CSSDTF. Clayoquot Sound Update. September 1990.
· SCWC. "Analysis of CSSDS, an overview with emphasis on timber and natural ecosystems." 3 copies.
· Careless, Ric. "Tofino Regional Tourism Study: Executive Summary." December 1988.
· Careless, Ric. "Tofino Regional Tourism Study: Executive Summary." Draft. November 22, 1988.
· Careless, Ric. "Tourism Resource Planning As Applied to Western Canada." March 1990.

· CL SDS, 1992.
· SCWC. "Analysis of CSSDS, an overview with emphasis on timber and natural ecosystems."

1 more copy.
· Various documents, memos etc., FOCS, SC, MOF, on timber harvesting statistics,
· Sustainable Tourism Options for Clayoquot Sound & Alberni-Clayoquot Regional district. 175pp. [Brian White?] [Spring 1991].

· CL SDS, 1992, 1993.
· B.C. Reid Report, Fall 1993. 71-85.
· Natmessnig, Gundrich and Jup Weber. "An Alternative Silviculture and Harvesting Model for Upper Tofino Creek." Unpublished manuscript. August 1992. (Another copy)
· CBP document, parts only 28pp +
· CSSDTF. Clayoquot Sound Update. September 1990. (Another copy)
· "The Clayoquot Sound Controversy." Unpub. Document, re: August 9th events. Timeline of Aug 9th and major protest events.

· CS Contacts and Friends of Clayoquot Sound.
· "Clayoquot Sound Background." 10pp. Unpub. Doc.
· "Clayoquot Sound Chronology." 2pp.
· SCWC. Highlights from white document. 2pp.
· "Notes fro the Mike Harcourt Meeting, March 16, 1993.
· SCWC press releases. (2)
· Earthaction Alert #1-'93. Newsletter of Earthaction.
· "Proposal Discussion Paper for the Long Beach Model Forest Contribution agreement with Forestry Canada." August 1992.
· Morrell, Mike and Wendy Kotilla. "Upper Clayoquot River Salmon Habitat Reconnaissance." October 20, 1993.

· CL Sustainability: SDS 1993, 1994.
· SLDF. "An Independent Environmental Assessment of Active and Recent Cutblocks in Clayoquot Sound and the Port Alberni Forest District." July 1994.

· CL General Information and Backgrounders 1992, 1993.
· Ancient Forest International. News of Old Growth. Winter 1993/4.
· BCEN. BC Environmental Report. 4.2.

· CL Pamphlets and notices--lots of MB full page ads mag and npp.

· *Western Canada Wilderness Committee*
301 - 19 Bastion Square

WCWC Victoria hold slightly fewer files on Clayoquot Sound than do the other environmental groups listed above; they have all the regular files related to BC environmental politics (eg. CORE, MacMillan Bloedel, etc.). They also have a collection of newspaper clippings, most of which cover the cross-Canada component of the 'Stumpy' tour. The following are WCWC Victoria's files on Clayoquot Sound:

· Clayoquot Sound; Studies and Reports

- Seaton report, Sustainable Development Strategy, CORE, Clayoquot Sound Land Use Decision, Rainforest Perspectives. . .

- Clayoquot Witness Trail
  - several rough maps and notes on the trail

- Clayoquot Sound: WCWC
  - Correspondence, press releases - federal, provincial, MoF, International

- Clayoquot Sound
  - tabloids, press releases, CLUD maps, Rainforest Action Handbook

## 4.4 INTERNET RESOURCES

### Clayoquot Sound Websites (May 21, updated August 27, 1996)

| Group | Title of Page | Address | Description |
|---|---|---|---|
| Bayside Middle School, Victoria | The Clayoquot Project | http://142.31.194.3/clayoquot/Clayoquot.html | General Overview of Clayoquot issues, Grade 7 style. |
| Forest Alliance of BC (FABC) | Clayoquot Sound Reading Room | http://www.forest.org/clayhp.html | Links to 14 pages, all on Clayoquot Sound land use; also, 'environmentalists vs. logging'. |
| FABC | Auditor's Findings | http://www.forest.org/clayc.html | "MacMillan Bloedel Limited had the second lowest rate of convictions in the five year period 1990 - 1994 and the third lowest rate of convictions in the fifteen year period 1980 - 1994." |
| FABC24 | New Measures of Environmental Performance | http://www.forest.org/clayd.html | "Keynote Address by R.B. Findlay President & Chief Executive Officer MacMillan Bloedel Ltd. to the Valmet Technology Seminar January 30, 1995 Montreal, Quebec." |
| FABC | Intact Watersheds and Clayoquot Sound | http://www.forest.org/claye.html | A pro-industry discussion of the issue of intact watersheds in Clayoquot Sound. |
| FABC | MB Team Tackle C.S. Scientific Panel Report | http://www.forest.org/clayb.html | "MacMillan Bloedel Chief Forester Bill Cafferata today welcomed the final report of the Clayoquot Sound Scientific Panel as 'an important contribution to the discussion of forest management'." |
| FABC | Letter to Greenpeace | http://www.forest.org/claya.html | "The following letter is a response by W.N. Cafferata of MacMillan Bloedel to Tzeporah Berman and Karen Mahon of Greenpeace." |
| FABC | Forestry in BC and Clayoquot Sound: Fact and Fiction | http://www.forest.org/clayf.html | Public relations page, contrasting various 'facts' and 'fictions' regarding Clayoquot Sound |

| | | | |
|---|---|---|---|
| FABC | Clayoquot Sound Backgrounder | http://www.forest.org/claybgr.html | Picture and map. |
| FABC | MB and Clayoquot Sound Compromise | http://www.forest.org/claym.html | Background to the issue, and some of the major documents and land-use decisions. |
| FABC | Clayoquot Sound--Questions and Answers | http://www.forest.org/clayl.html | Fact sheet on Clayoquot Sound logging practices, clearcutting, environmentalists' claims. |
| FABC | Clayoquot Sound--Opinion and Response | http://www.forest.org/clayk.html | Public relations page, presenting "some of the most commonly expressed opinions [on Clayoquot] and responses to them." |
| FABC | Responsive Points on Clayoquot Sound Issues | http://www.forest.org/clayj.html | Points made regarding civil disobedience and democracy, MB environmental crimes, BC government shares in MB, Aboriginal Land claims, etc. "Taken from an attachment to a letter from the Mission of Canada to the European Communities 11 Nov 1993." |
| FABC | Clayoquot Sound Fact Sheet | http://www.forest.org/clayi.html | 'Just the facts': a pro-industry version. |
| FABC | MB Will Apply Clayoquot Sound Panel Recommendations | http://www.forest.org/clayh.html | Press release: "Findlay says MB will apply Clayoquot panel recommendations." |
| FABC | Some questions to Ask Greenpeace | http://www.forest.org/clayg.html | a series of questions and answers which contests claims made by Greenpeace.. |
| BC Wild | BC Wild Home Page | http://www.helix.net/bcwild/ | Index to BC Wild site: "Our Mission," "Our People," "Reports," and "Maps." |
| Cascadia Restoration Society | Salmon Coming Home: a Clayoquot Restoration Camp | http://www.alternatives.com/groups/restore/index.html | Information about summer project, 1995. |
| Centre for Applied Conservation Biology, UBC (CACB) | Clayoquot Sound Scientific Panel home page | http://www.interchg.ubc.ca/cacb/panel/clayhome.html | Provides overview on the scientific panel, and links to full text versions of each report. |
| CACB | Recommendations of the CSP | http:/www.interchg.ubc.ca/cacb/panel/recomnd.html | Summary of the CSP's findings, Reports 5, 3, and 2. |
| CACB | Clayoquot Sound | http://www.interchg.ubc.ca/cacb/panel/claydesc.html | Describes area, blockades, and April 1993 land use decision. |

| | | | |
|---|---|---|---|
| Deep Green Exchange | Clayoquot Sound Scientific Panel Report (CSSPR): Sustainability Critique--a virtual Working Document | http://www.islandnet.com/~jwight/enviro/clay-archive.html | "Your comments below will be incorporated to help develop a critique on the report as a blueprint for ecological sustainability and economic sustainability." Some kind of virtual response to Scientific panel. Some links are not yet established. |
| Envirolink | Envirolink: Community, Ecology, Connection | http://www.envirolink.org/ | Search engine for environmental issues and organizations. |
| Friends of Clayoquot Sound (FOCS) | Friends of Clayoquot Sound Home Page | http://www.island.net/~focs/index.htm | Links to: Statement of Policies, the Friends Past and Present, Update on FOCS Forest Watch Program, FOCS's Webmaster's Wish List - Help!, Other Groups with Information on Clayoquot Sound, June 1996 Blockades, Fall/Winter 1995/96 Newsletter, Spring 1996 Newsletter, Logging Companies in Clayoquot Sound, Scientific Panel for Sustainable Forest Practices in Clayoquot Sound. |
| Greenpeace | Greenpeace International Home Page | http://www.greenpeace.org/greenpeace.html | Index to Greenpeace web resources. |
| Greenpeace | Campaign against MacMillan Bloedel (I) | http://www.greenpeace.org/~usa/campaigns/biodiversity/macblo.html | Links to MB's logging practices, slide show, RAN, and News Release. |
| Greenpeace | Campaign against MacMillan Bloedel (II) | http://www.greenpeace.org/~usa/campaigns/biodiversity/macblobg.html | Brief synopsis of Clayoquot Sound, MB, jobs, and boycott campaigns. |
| International Forest Products Ltd. (Interfor) | Environment | http://www.imediat.com/interfor/environ.html | "International Forest Products Limited is committed to respect for and care of the earth. Our policy is one of continuous improvement, corporately and individually, designed to minimize the environmental impact of operations." |
| International Institute for Sustainable Development (IISD) | IISDnet | http://iisd1.iisd.ca/ | Index page to "Developing Ideas Digest," "World Commission on Forests and Sustainable Development," "Science Month on Internet," "From Legacy to Vision," "Positions Available at IISD," and "Linkeages." |
| Long Beach Model Forest (LBMF) | LBMF Home Page | http:/www.lbmf.bc.ca | Link to Library Database, Photo Series, Profiles of Community Partners. Contains sections: "What is a Model Forest?," "What is the LBMF?," "Information on the sectors involved in the LBMF" (links to each), "Ongoing Projects" (links to each), "Other sites of interest" (links to each). |
| LBMF | LBMF Communities-Based Library on Forest and Sea Ecosystems | http://www.lbmf.bc.ca/library.html | Information about LBMF library; searches by author, subject, or via affiliated groups (eg. Biosphere). |

| | | | |
|---|---|---|---|
| Ministry of Forests | Ministry of Forests Home Page | http://www.for.gov.bc.ca/ | Links to Maps, Subject index, keyword searches, MoF Reference Library. |
| Rainforest Action Network (RAN) | Rainforest Action Network Home Page | http://www.ran.org/ran/index.html | Links to other RAN pages; also search option: "Clayoquot" gets 40 hits. |
| RAN | Clayoquot Rainforest Coalition Overview | http://www.ran.org/ran/ran_campaigns/rain_wood/bc_overview.html | Includes :"Background," "Ecology," "B.C.'s Ancient Heritage," "Broader Significance of the CS Science Panel," "Economic Stability," "U.S. complicity in B.C. Deforestation," "Background on U.S. Campaign and the Clayoquot Rainforest Coalition," "List of Coalition Partners and Allies." |
| RAN | Clayoquot Sound or Clearcut Sound | http://www.ran.org/ran/ran_campaigns/wood_con/clayoquot.html | Overview of Clayoquot Sound location and issues, listing stakeholders, key facts, with attention to the campaign against pulp in phone books; a 'here's what you can do' section. |
| Sierra Club of Western Canada (SCWC) | Introduction to Clayoquot Sound | http://vvv.com/clayoquot/mintro.html | a series of maps and photographs highlighting the main geographical features of the sound, as well as forest management issues. |
| SCWC | Clayoquot Sound | http://vvv.com/clayoquot/index.html | Last updated Aug. 25, 1996. Provides an index to the Sierra Club pages. |
| SCWC | Government Decision | http://vvv.com/clayoquot/govdec.html | Brief overview of government decision of 1993 on Clayoquot sound. |
| Symbiosis Project (at SFU?) | Symbiosis Project Home Page | http://edie.cprost.sfu.ca/~symbio/index.html | An index page, with links to The Symbiosis Project (what is it?), "History and Political Economy," "The Media and the Forest Industry," "Stakeholders," "The Future: Where Must We Go From Here," "Other World Wide Web Resources on BC Forests and Sustainable Development," "References." |
| Symbiosis Project (at SFU?) | The Symbiosis Project (information) | http://edie.cprost.sfu.ca/~symbio/team/Team.html | "Our Task: The task of The Symbiosis Project is to demonstrate how political-economic forces shape and structure B.C.'s economy. . ." |
| Vancouver Temperate Rainforest Action Coalition (VTRAC) | The Forest Action Page: VTRAC | http://vanbc.wimsey.com/~erich/forest.html | Links to VTRAC pages: "Action Bulletin," "All Our Relations" (links to environmental groups), and "Forest Tales." |

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|---|---|---|---|
| VTRAC | All Our Relations | http://vanbc.wimsey.com/~erich/groups.html | Links to: FOCS, Cascadia Restoration Society, Raincoast Conservation Society, Deep Green Exchange, WCWC, EcoTrust, RAN, Greenpeace, Virtual Clayoquot (Bayside GR.7), Clayoquot Scientific Panel Reports, EnviroWeb, Forests and Forestry in BC--Information Base and Discussion Group. |
| VTRAC | Forest Tales: a Multi-Media Extravaganza | http://vanbc.wimsey.com/~erich/tales.html | Links to several other sites, including press release of Aug 13, 1995: "Indigenous and Non-Indigenous Organisations Call For End to Old-Growth Logging." |
| Western Canada Wilderness Committee (WCWC) | Clayoquot Sound, Vancouver Island | http://www.web.apc.org/wcwild/Welcome.html | Brief overview of Clayoquot Sound, the issues, and the wilderness committee's campaign; links to Clayoquot Sound 'Walk the Wild Side', Calgary Rainforest Action Group, West Coast Environmental Law Association, and Report of the C.S. Scientific Panel. |

APPENDIX 2

OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

*FOR IMMEDIATE RELEASE*
**March 18, 1997**

## COMMISSIONER EXCUSES FEE FOR CLAYOQUOT SOUND RECORDS

**Victoria**--Information and Privacy Commissioner David Flaherty has excused a fee requested by the Ministry of Forests from a University of Victoria political science professor for records he requested relating to Clayoquot Sound.

Professor Warren Magnusson requested the records from the Ministry and was told that he could review them for a fee of $1410.00. The Ministry stated that the fee was to account for the staff time required to prepare the records for release and to supervise their viewing. Magnusson requested that the Ministry waive the fee in the public interest, stating that he planned to catalogue the files for academic and archival (public) use. The Ministry denied his request and Magnusson appealed its decision to the Information and Privacy Commissioner.

Commissioner Flaherty found that the Ministry had not properly exercised its discretion to waive a fee for public interest reasons under the *Freedom of Information and Protection of Privacy Act*, since it had misinterpreted Magnusson's primary reasons for making the request and had taken improper considerations into account in deciding whether the records related to a matter of public interest. The Commissioner concluded that the applicant had succeeded in making a "reasonable and reasoned effort" in demonstrating why his request for records related to a matter of public interest and therefore justified a fee waiver.

The Commissioner stated that: "Establishing an Archive is a particularly useful way to serve the public interest, since such a variety of communities, from First Nations to local communities, and forest companies, can use it."

-30-

For more information, please contact:
P.E. (Pam) Smith, Research and Communications Officer
Tel: (250) 387-5629 Fax: (250) 387-1696
Internet: Pamela.Smith@gems3.gov.bc.ca
Web Site: http://www.oipcbc.org
Re: Order No. 154-1997

ISSN 1198-6182

# Office of the Information and Privacy Commissioner
# Province of British Columbia
# Order No. 154-1997
# March 18, 1997

INQUIRY RE: A decision by the Ministry of Forests to deny a request for a fee waiver from an applicant seeking records related to Clayoquot Sound

Fourth Floor
1675 Douglas Street
Victoria, B.C. V8V 1X4
Telephone: 250-387-5629
Facsimile: 250-387-1696
Web Site: http://www.oipcbc.org

## 1. Description of the review

As Information and Privacy Commissioner, I conducted a written inquiry at the Office of the Information and Privacy Commissioner on January 23, 1997 under section 56 of the *Freedom of Information and Protection of Privacy Act* (the Act). This inquiry arose out of a request for review of a decision by the Ministry of Forests (the Ministry) to refuse a waiver for fees levied in connection with preparation and copying of records for Professor Warren Magnusson, Department of Political Science, University of Victoria (the applicant).

## 2. Documentation of the inquiry process

By letter dated June 20, 1996, the applicant requested from the Vancouver Regional Office of the Ministry copies of that office's files relevant to land use in Clayoquot Sound. The applicant stated in his request that these files would be catalogued for academic and archival (public) use and would as well be possibly used in an academic workshop and accompanying book. In responding to the applicant's request, the Ministry, by way of letter dated August 7, 1996, assessed a fee of $1,890.00 under section 75 of the Act for preparing the records for disclosure and supervising the viewing.

By letter dated August 23, 1996, the applicant narrowed the scope of his request and requested a waiver of all fees on the basis that this request for records was being made in the public interest. In response the Ministry, by return letter dated September 11, 1996, assessed a reduced fee of $1,410.00 for preparation of records and supervision of viewing. The Ministry declined to grant a waiver for any portion of the fees.

On September 25, 1996 the applicant wrote to my Office to request a review of the Ministry's refusal to grant a fee waiver.

## 3. Issue under review at the inquiry

The issue in this case is whether the applicant, representing the University of Victoria, should be excused from paying all or part of the fees requested by the Ministry under section 75(5)(b) of the Act, which reads as follows:

*Fees*

75(5) The head of a Ministry may excuse an applicant from paying all or part of a fee if, in the head's opinion,

...

(b) the record relates to a matter of public interest, including the environment or public health or safety.

The Ministry estimates that 33 hours of staff time will alone be required for the task of preparing the records for disclosure, which includes the time required to remove staples, copy pages for severing, and put the files back together so that the requested files can be made available for viewing. It has also estimated 14 hours of staff time as necessary to supervise the viewing of the records. Thus 47 hours of staff time are estimated for a total fee of $1,410.00. Photocopying costs are not included in this estimate, since the applicant and the Ministry agreed that the applicant would request copies of specific records as necessary after he had viewed them.

## 4. The burden of proof

The Act provides no specific guidance on the burden of proof to be applied in a request for a waiver of fees. However, I note that fees may be assessed by a Ministry in accordance with the Act and its regulations. To be excused from paying a fee under the Act is to receive a discretionary financial benefit; conversely, the province foregoes revenue to which it would otherwise be entitled under the Act. Thus it appears logical that the party seeking the benefit should prove its entitlement on the basis of the criteria specified in the Act. This places the burden of proof on the applicant in this inquiry. (See Order No. 90-1996, March 3, 1996, p. 3)

## 5. The applicant's case

The applicant points out that the "underlying issue in this case is access to information for scholarly purposes .... [I]t is one of the implicit purposes of the *Freedom of Information and Privacy Act* to facilitate legitimate scholarly research." He emphasizes that scholars "are involved in a non-profit activity, and normally cannot expect any 'return,' in a financial sense, for access to fuller and more accurate information .... Scholarly research and scholarly publications are - almost by definition - 'in the public interest,' because they are intended for the public benefit. Their purpose is to advance knowledge, not to secure commercial or partisan advantage." The applicant's access requests are being made on behalf of the scholarly community in general

The applicant emphasizes that he is "a well-established and reputable scholar" at a public university in this province. The main purpose of his several access requests (only one of which is at issue in this inquiry) is "to facilitate development of a public archive of materials that would be useful not only to scholars, but also to ordinary citizens in and out of the Clayoquot Region." In his view and that of other academic scholars, the land use disputes in and around the Sound are of great public significance for the present and the foreseeable future. Hence the need for a public research facility of the type that he and his colleagues are designing and promoting:

> The purpose of the prospective archive is to make *all* relevant materials about this matter of public interest available in a timely fashion and to ensure that these materials [are] organized and catalogued in a fashion that makes public use feasible. If, in these circumstances, scholars cannot

> expect a waiver of fees from the agencies concerned, it is difficult to understand when fee waivers would ever be granted to facilitate scholarly research ....
>
> Public access to information is essential for good government, and access by disinterested *scholars* is particularly important for ensuring that the quality of information available to the public is as high as possible.

The applicant is especially concerned that the Vancouver Forest Region of the Ministry of Forests has been "so insensitive to the value of scholarly research." He further points out that the conduct of this agency in particular "has been at issue in the complicated disputes over Clayoquot Sound."

**6. The Ministry's case**

The Ministry submits that the issue in this inquiry is whether it has complied with section 75(5)(b) of the Act with respect to the proper exercise of its discretion in declining to grant a total fee waiver to the applicant. (Submission of the Ministry, paragraph 3.01) Thus, in its view, the issue is not access to information for scholarly purposes but the appropriateness of the exercise of discretion. (Submission of the Ministry, paragraph 5.01)

The Ministry further submits that there are two steps in making a determination under section 75(5)(b): 1) deciding whether any of the requested records relate to a matter of public interest, and 2) whether or not to waive all or part of the fee if the answer to the first question is yes. (Submission of the Ministry, paragraph 5.02) The Ministry states:

> The head of a public body is clearly not *required* to excuse all or part of a fee. Therefore, even if an applicant cannot afford to pay an estimated fee or a record relates to a matter of public interest, the head of a public body can still exercise his or her discretion to refuse to waive part or all of the fee. (Submission of the Ministry, paragraph 5.03)

The Ministry further interprets my previous Orders to mean that I will not interfere with the discretion of the head of a public body to deny a fee waiver so long as the head has exercised his or her discretion in good faith.

The Ministry concludes that "there is no reason to interfere with the Public Body's decision not to waive all of the fees in this matter." (Submission of the Ministry, paragraph 5.09; Affidavit of Vander Beesen, Exhibit D)

## 7. Discussion

I wish to state for the record that I remain a professor of history and law at the University of Western Ontario.

I accept the argument of the Ministry that the crux of this inquiry is its exercise of discretion not to grant a partial fee waiver. However, evaluating the appropriateness of such a decision is an appropriate activity for me to undertake. I have said in previous Orders that the public body has the authority to determine what, in the head's opinion, is in the public interest under section 75(5)(b), subject to my oversight of any alleged failure to act in a reasoned manner on the issue. I have the authority to monitor suspected abuses of this section, particularly under section 42(2)(c). (Order No. 55-1995, September 20, 1995, pp. 7-9) My role is to ensure that the public body has exercised its discretion under section 75(5) in an appropriate manner. (Order No. 98-1996, April 19, 1996, p. 5)

The discretion of the head of the public body to grant a fee waiver is permissive and not mandatory. (Order No. 90-1996) Thus I agree with the Ministry that there are two steps involved in properly exercising discretion under section 75(5)(b). The first is for the head of the public body to form an opinion about whether all or part of the requested records relate to a matter of public interest. If they do, then the head must decide whether the applicant should be excused from paying all or part of a fee.

However, I disagree with the Ministry's narrow interpretation of the nature of the head's permissive discretion. If the head decides that the records do relate to a matter of public interest, he or she must be guided by proper considerations in deciding whether or not to grant a fee waiver. My previous Orders do not support the Ministry's argument that only an absence of good faith will justify an interference with the discretion of the head of the public body. While I endeavour to defer to the judgment of a public body, I am authorized under section 58(3)(c) of the Act to excuse or reduce a fee. I may do so in a number of instances, in addition to an absence of good faith, such as where the head has taken into account irrelevant or improper considerations or acted with a purpose contrary to the Act.

***The actual exercise of a public body's discretion***

In this case, the Ministry did not apply the two-step process described in its submission. In its reasons to the applicant, the head combined the issue of the public interest with the discretion to waive fees. It appears that the head was of the opinion that at least some of the records related to a matter of public interest, and he waived fifty percent of the fees on this basis.

The two-step process should be applied as follows:

1. The head must consider the records requested and decide whether, in his or her opinion, they relate to a matter of the public interest. The focus should be on the nature

of the information. To give some guidance to public bodies, I suggest that the following kinds of factors should be considered:

- has the information been the subject of recent public debate?
- does the subject matter of the record relate directly to the environment, public health, or safety?
- would dissemination of the information yield a public benefit by
    - disclosing an environmental, public health, or safety concern,
    - contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or
    - assisting public understanding of an important policy, law, program, or service?
- do the records show how the public body is allocating financial or other resources?

2. If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether the applicant should be excused from paying all or part of the estimated fees. The focus here should be on the applicant and the purpose for making his or her request. Factors that should be considered would include:

- is the applicant's primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?
- is the applicant able to disseminate the information to the public?

If the applicant's primary purpose is to serve a private interest, then the head may be justified in refusing to waive fees, even where he or she is of the opinion that the records do relate to a matter of public interest.

The factors described above are not intended to be exhaustive. I have relied to some extent on established criteria in Ontario, as set forth in the leading Ontario case on fee waivers: Information and Privacy Commissioner/Ontario, Order P-474, Ontario Hydro (Irwin Glasberg, Assistant Commissioner, June 10, 1993, pp. 1-3), taking into account the differences in the Ontario legislation. I understand that B.C. Information Management Services has been developing criteria for waiving fees in the public interest. I encourage it to continue this process.

***The Ministry's reasons for its decision***

The main evidence for understanding the Ministry's decision is its letter to the applicant, dated September 11, 1996, which I will now proceed to analyze in detail. (Submission of the Ministry, paragraph 5.09)

First, I wish to summarize the applicant's refutation of the Ministry's position, in this matter, in his initial request for review dated September 25, 1996. In the latter, the applicant pointed out, among other things, that he has "no means of paying the assessed fees out of my present research funds." Thus the Ministry's decision not to grant a fee

waiver means that the information he seeks will not be released, which, he argues, is not in the public interest. It is perhaps worth noting here that universities and colleges do not normally fund the research costs of its faculty; this necessitates fund raising of the sort that the applicant is undertaking to fund the Archive Project. There is no evidence before me that he has in fact secured such funding to date.

In his September 25, 1996 letter the applicant further pointed out that the general policy guidelines for a fee waiver point out that the case for a waiver is strongest when the applicant can show that:

> he or she has the ability to disseminate the information concerned;
> a large proportion of the public will be affected by the information;
> the impact of the information will be immediate and significant;
> the issue is topical and included in public debate or discussion;
> the issue is specific and definable.

I agree with the applicant that his request meets all of these criteria. As he submits:

> We have a clear, credible, and practical plan for dissemination of the information concerned. Anyone interested in forestry or environmental issues in the province will be affected by the information. If something is being hidden, the impact of the information will be immediate and significant, because the Clayoquot dispute continues to be both topical and a matter of public debate and discussion. Moreover, the issue is specific and definable. If the people of British Columbia do not have a right to all the relevant information about Clayoquot decisions, I really do not know what the point of FOI might be. How big does an issue have to be before it becomes a matter of public interest. Is the Nanaimo Commonwealth scandal just a Nanaimo issue because the events happened in that town?

Finally, the applicant argues that it is not for Ministry officials to decide what should remain secret about Clayoquot-related material:

> In my professional judgment, there is substantial interest in this *particular set of land-use issues* among the public at large, within the research community, and among immediately affected groups. Only if fees are waived, will it become possible to make this information widely available. (Letter of September 25, 1996)

The Ministry itself advanced six reasons for not granting a fee waiver.

1. Responding to even the applicant's narrowed request would require review and possible severing of records prior to the applicant being invited to view them. Since this condition is true for any access request under the Act, I do not find it especially relevant to deciding this request for a fee waiver.

2. The applicant stated that he would use the requested material for a projected Clayoquot Archive Project, a projected book. a workshop, and an undergraduate course, which the Ministry considered to be "revenue generating endeavours."

The Ministry's judgment of the applicant's research proposal as a whole appears to indicate a misunderstanding of the nature, character, and funding of academic research activities in this province. As the applicant has suggested, the notion that such activities are "revenue generating" is risible in an academic setting, where fees for participants are normally set at a level to at best recoup the expenses of particular activities such as a workshop. The revenues from writing and publishing a scholarly book in Canada are minimal. In addition, there are no revenues generated from preparing and teaching courses. Essentially, the overhead costs for all of these projected research and teaching activities are such as to render the Ministry's argument about revenue generation untenable. As the applicant specifically stated, "my assistants and I are not involved in revenue-generating activities." They are non-profit ventures. It is clear, on the evidence in this case, that the applicant's primary purpose in making his request is not to serve a private interest, but to respond to a public one.

3. The Ministry's third reason for refusing a full fee waiver is that "a significant volume of information surrounding the issues within Clayoquot Sound has already been made public ...."

Again, I am of the view that the Ministry has misinterpreted and misapplied the concept of public interest in this respect. I do not accept the view that anything to do with Clayoquot Sound is not still a matter of considerable public interest in the broadest sense of the term, which includes the kind of academic analysis, research, and teaching that the applicant is proposing to undertake. It is self-evident from the media, even in 1997, that issues remain to be settled in this controversial domain that much affect the public interest, such as forest renewal and forestry jobs. Moreover, the kind of public attention to these issues in this decade has been primarily in the popular press and not the kind of careful social scientific analysis, after the immediate passage of events, that is ultimately required for public policy debates in this province. As the applicant argued:

> The fact that a great deal of Clayoquot-related material has been made public is no excuse for keeping the rest private. The two ministries may have their own reasons for keeping certain matters secret; however, it is not for ministerial officials to decide what researchers may or may not need for their work. In my professional judgement, there is substantial interest in *this particular set of land-use issues* among the public at large, within the research community, and among immediately affected groups. Only if fees are waived, will it become possible to make this information widely available. I hope that the Information and Privacy Commissioner will support this effort.

4. The Ministry further indicated that the minutes of meetings of the Clayoquot Sound Central Region Board are open to the public and may be copied for a fee. Perhaps it is adequate for refutation of this point to refer simply to the letter from this public body supporting the applicant's proposal to establish an Archive.

5. The Ministry sought to refute the applicant's proposal to use the Internet to make information available from the Archive as establishing a public interest, because so much is already available to the public: "we feel that it is more likely that the specifics of your request will be of interest to researchers, students and perhaps some members of the public localized to Vancouver Island." Whatever the merits of this point, it seems to be sufficient, at least, to establish a true public interest in the requested records among these categories of relevant parties.

I view the academic research community as broadly representative of the interests of the public in their teaching, research, and communication roles. Moreover, as the applicant points out, researchers and students around the world will be able to use the Internet to learn about the Clayoquot Archive project and to then make plans to acquire their own copies of relevant materials for appropriate scholarly purposes. Such activities clearly involve records in the public interest in the sense in which that term is used in the Act.

6. Finally, the Ministry suggests that the requested information will be transferred to the University of Victoria Archives, which charges $.25 for each copy of available material. Again, I find this information of little relevance to determining whether an access request is for records in the public interest in the language of the Act.

In terms of establishing the extent of public interest in the proposed Archive Project, which is at the heart of the applicant's proposal, I have examined carefully letters submitted by the applicant from, among others, the Clayoquot Sound Central Region Board; the District of Tofino; The Friends of Clayoquot Sound; the Pacific Rim National Park Reserve, Parks Canada; Professor R. Michael M'Gonigle, Eco-Research Chair of Environmental Law and Policy, University of Victoria; and the President of the Canadian Anthropological Society (also, it should be noted, a professor at the University of Victoria). I have also benefited from a reading of a seven-page project description for the Clayoquot Archive Project. (Affidavit of Elizabeth Vander Beesen, Exhibit C)

It is my view that in this case, the Ministry failed to properly apply its own suggested two-step process for determining public interest and exercising the discretion to waive fees under section 75(5)(b) of the Act. While I do not question its good faith, the Ministry appears to have acted with a purpose contrary to the Act, given the evidence provided by the applicant. The head failed to exercise his discretion properly under section 75(5) by misinterpreting the applicant's primary reasons for making the request and by taking improper considerations into account in deciding whether the records relate to a matter of public interest.

During debates in the Legislature on June 23, 1992, then Attorney General Colin Gabelmann responded as follows to an Opposition question about the meaning of "public interest" in the context of a request for a fee waiver:

> The government and its agencies will develop policy and procedures in respect of this issue. If, in the commissioner's view, these policies are not appropriate, the commissioner will be able to provide advice on that and in the final analysis give direction. So it remains to be seen how this develops; there's not much more I can say than that. (British Columbia Debates, June 23, 1992, p. 2956)

In my reading of this statement, the Attorney General had a clear expectation that I might, and could, play a critical role on this matter, as I am doing in this Order. (Information and Privacy Commissioner/Ontario, Order P-474, June 10, 1993)

***Section 42(2)(c): The appropriateness of a fee***

The Ministry has reviewed several of my earlier decisions which set forth a standard of deference on my part to the head of a public body with respect to a fee waiver, since he or she is in possession of information and experience on the matter. (Order No. 79-1996, p. 4) I have already indicated in the preceding analysis that that is not the case in the present inquiry. I have also taken notice in other Orders of the limited circumstances (at least as set out by one party) in which a fee required under the Act may be inappropriate; these included bad faith or extraneous considerations. (Order No. 55-1995, September 20, 1995, p. 8) (Submission of the Ministry, paragraphs 5.07 and 5.08) However, none of these previous decisions involved requests for the kind of information sought in this case, and none involved requests by legitimate researchers whose primary purpose is to disseminate information in a way that could reasonably be expected to benefit the public interest.

I do not hold the view that any scholarly request for access to government records necessitates a fee waiver by a public body. As in the circumstances of the present inquiry, an applicant must make a reasonable and reasoned effort to demonstrate why a specific request merits a fee waiver for reasons such as the fact, to cite the Act itself, that "the record relates to a matter of public interest, including the environment or public health or safety." In this inquiry, I find that the applicant has met his burden of proof on this point. Establishing an Archive is a particularly useful way to serve the public interest, since such a variety of communities, from First Nations, to local communities, and forest companies, can use it.

***Variations in fee waivers***

The applicant is concerned about the lack of consistency among public bodies with respect to his application for fee waivers in three separate cases. With respect to his two major requests, one public body granted him a fifty percent fee reduction, while the

Ministry of Forests allowed him nothing. (See Order No. 155-1997, March 18, 1997) While I take notice of this point and find it persuasive in the context of this inquiry and a related one, each public body has the right to exercise its own discretion on a fee waiver under the Act.

I recognize that the criteria set out above place a substantial burden on an applicant for a fee waiver in the public interest. I do not expect such a fee waiver to be granted very often. For example, this is the first time in more than three years that I have approved the waiver of a fee under section 75(5)(b) of the Act.

**8. Order**

I find that the head of the Ministry of Forests failed to exercise his discretion properly under section 75(5) of the Act. Under section 58(3)(c), I excuse the fee charged by the Ministry.

David H. Flaherty

David H. Flaherty
Commissioner

March 18, 1997

OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

***FOR IMMEDIATE RELEASE***
**March 18, 1997**

## SECOND FEE FOR CLAYOQUOT SOUND RECORDS EXCUSED BY COMMISSIONER

**Victoria**--Information and Privacy Commissioner David Flaherty has excused a University of Victoria political science professor from paying a fee requested by the Ministry of Aboriginal Affairs for records relating to Clayoquot Sound. The Commissioner had earlier excused similar fees charged to the professor for comparable records held by the Ministry of Forests.

Professor Warren Magnusson was told he was being charged a fee by the Ministry to account for the staff time required to locate and prepare the records for disclosure. The professor requested a fee waiver from the Ministry as a matter of public interest, stating that he planned to use the records to facilitate the development of a public archive of materials that would be useful to other scholars and to citizens living in and out of the Clayoquot Region. The Ministry agreed to waive fifty percent of the fee estimate, reducing it to $720.00. The professor appealed the Ministry's decision to the Information and Privacy Commissioner.

Commissioner Flaherty found that the Ministry had not properly exercised its discretion to excuse a fee for public interest reasons under the *Freedom of Information and Protection of Privacy Act*. He concluded that the Ministry had misinterpreted the applicant's primary reasons for making the request and had taken improper considerations into account in deciding whether or not the records related to a matter of public interest.

Commissioner Flaherty stated that: "I view the research community as broadly representative of the interests of the public in their teaching, research, and communication roles....Such activities clearly involve records in the public interest in the sense in which that term is used in the Act."

The Commissioner also noted that although a public body has the discretion under the Act to determine if records are in the public interest, its exercise of that discretion is subject to the Commissioner's oversight of any alleged failure by the public body to act in a reasoned manner in this regard.

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Re: Order No. 155-1997

ISSN 1198-6182

# Office of the Information and Privacy Commissioner
Province of British Columbia
Order No. 155-1997
March 18, 1997

**INQUIRY RE: A decision of the Ministry of Aboriginal Affairs to deny, in part, a request for a fee waiver from an applicant seeking records related to Clayoquot Sound**

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## 1. Description of the review

As Information and Privacy Commissioner, I conducted a written inquiry at the Office of the Information and Privacy Commissioner (the Office) on January 23, 1997 under section 56 of the *Freedom of Information and Protection of Privacy Act* (the Act). This inquiry arose out of a request for review of a decision of the Ministry of Aboriginal Affairs (the Ministry) to deny a request from Professor Warren Magnusson of the Department of Political Science, University of Victoria (the applicant) for a full fee waiver in the public interest.

## 2. Documentation of the inquiry process

On August 7, 1996 the applicant requested the Ministry of Aboriginal Affairs to waive fees on his request for certain records related to Clayoquot Sound. On August 15, 1996 the Ministry responded to the applicant by waiving fifty percent of the fee.

On September 18, 1996 the applicant wrote to my Office to request a review of the decision by the Ministry to deny his request for a full fee waiver. The ninety-day period for resolving the issue ended on December 23, 1996. With the agreement of the parties, this was extended to January 23, 1997.

## 3. Issue under review at the inquiry

The issue in this case is whether the applicant, representing the University of Victoria, should be excused from paying all or part of the fees requested by the Ministry under section 75(5)(b) of the Act, which reads as follows:

> ***Fees***
>
> 75(5) The head of a public body may excuse an applicant from paying all or part of a fee if, in the head's opinion,
>
> ...
>
> (b) the record relates to a matter of public interest , including the environment or public health or safety.

The Ministry estimates that 17 hours of staff time will be required for the task of preparing the records for disclosure, which includes the time required to remove staples, copy pages for severing, and put the files back together so that the requested files can be made available for viewing. It has also estimated 7 hours of staff time as necessary to supervise the viewing of the records. Thus 24 hours of staff time are estimated for a total fee of $720.00. Photocopying costs are not included in this estimate, since the applicant and the Ministry agreed that the applicant would request copies of specific records after he had viewed them.

## 4. The burden of proof

The Act provides no specific guidance on the burden of proof to be applied in a request for a waiver of fees. However, I note that fees may be assessed by a Ministry in accordance with the Act and its regulations. To be excused from paying a fee under the Act is to receive a discretionary financial benefit; conversely, the province foregoes revenue to which it would otherwise be entitled under the Act. Thus it appears logical that the party seeking the benefit should prove its entitlement on the basis of the criteria specified in the Act. This places the burden of proof on the applicant in this inquiry. (See Order No. 90-1996, March 3. 1996, p. 3)

## 5. The applicant's case

The applicant points out that the "underlying issue in this case is access to information for scholarly purposes .... [I]t is one of the implicit purposes of the *Freedom of Information and Privacy Act* to facilitate legitimate scholarly research." He emphasizes that scholars "are involved in a non-profit activity, and normally cannot expect any 'return,' in a financial sense, for access to fuller and more accurate information .... Scholarly research and scholarly publications are - almost by definition - 'in the public interest,' because they are intended for the public benefit. Their purpose is to advance knowledge, not to secure commercial or partisan advantage." The applicant's access requests are being made on behalf of the academic community in general.

The applicant emphasizes that he is "a well-established and reputable scholar" at a public university in this province. The main purpose of his several access requests (only one of which is at issue in this inquiry) is "to facilitate development of a public archive of materials that would be useful not only to scholars, but also to ordinary citizens in and out of the Clayoquot Region." In his view and that of other academics, the land use disputes in and around the Sound are of great public significance for the present and the foreseeable future. Hence the need for a public research facility of the type that he and his colleagues are designing and promoting:

> The purpose of the prospective archive is to make *all* relevant materials about this matter of public interest available in a timely fashion and to ensure that these materials [are] organized and catalogued in a fashion that makes public use feasible. If, in these circumstances, scholars cannot expect a waiver of fees from the agencies concerned, it is difficult to understand when fee waivers would ever be granted to facilitate scholarly research ....
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> Public access to information is essential for good government, and access by disinterested *scholars* is particularly important for ensuring that the quality of information available to the public is as high as possible.

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The Ministry submits that the issue in this inquiry is whether it has complied with section 75(5)(b) of the Act with respect to the proper exercise of its discretion in declining to grant a total fee waiver to the applicant. (Submission of the Ministry, paragraph 3.01) Thus, in its view, the issue is not access to information for scholarly purposes but the appropriateness of the exercise of its discretion. (Submission of the Ministry, paragraph 5.01)

The Ministry further submits that there are two steps in making a determination under section 75(5)(b): 1) deciding whether any of the requested records relate to a matter of public interest; and 2) whether or not to waive all or part of the fee if the answer to the first question is yes. (Submission of the Ministry, paragraph 5.02) The Ministry states:

> The head of a public body is clearly not *required* to excuse all or part of a fee. Therefore, even if an applicant cannot afford to pay an estimated fee or a record relates to a matter of public interest, the head of a public body can still exercise his or her discretion to refuse to waive part or all of the fee. (Submission of the Ministry, paragraph 5.03)

The Ministry further interprets my previous Orders to mean that I will not interfere with the discretion of the head of a public body to deny a fee waiver so long as the head has exercised his or her discretion in good faith.

The Ministry concludes that "there is no reason to interfere with the Public Body's decision not to waive all of the fees in this matter." (Submission of the Ministry, paragraph 5.09; Affidavit of Gail Leatherdale, Exhibit D)

## 7. Discussion

I wish to state for the record that I remain a professor of history and law at the University of Western Ontario.

I accept the argument of the Ministry that the crux of this inquiry is its exercise of discretion to grant only a partial fee waiver. However, evaluating the appropriateness of such a decision is an appropriate activity for me to undertake. I have said in previous Orders that the public body has the authority to determine what, in the head's opinion, is in the public interest under section 75(5)(b), subject to my oversight of any alleged failure to act in a reasoned manner on the issue. I have the authority to monitor suspected abuses of this section, particularly under section 42(2)(c). (Order No. 55-1995, September 20, 1995, pp. 7-9) My role is to ensure that the public body has exercised its discretion under section 75(5) in an appropriate manner. (Order No. 98-1996, April 19, 1996, p. 5)

Where I have been satisfied that the discretion has been exercised properly and in good faith, I have given the public body some leeway in its judgment about public interest, and not interfered with its exercise of discretion. I have also deferred to the head's judgment on public interest where the imposed fee is relatively modest compared to the public body's estimated total costs. (Order No. 90-1996. March 8, 1996, pp. 11, 12)

The discretion of the head of the public body to grant a fee waiver is permissive and not mandatory. (Order No. 90-1996) Thus I agree with the Ministry that there are two steps involved in properly exercising discretion under section 75(5)(b). The first is for the head of the public body to form an opinion about whether all or part of the requested records relate to a matter of public interest. If they do, then the head must decide whether the applicant should be excused from paying all or part of a fee.

However, I disagree with the Ministry's narrow interpretation of the nature of the head's permissive discretion. If the head decides that the records do relate to a matter of public interest, he or she must be guided by proper considerations in deciding whether or not to grant a fee waiver. My previous Orders do not support the Ministry's argument that only an absence of good faith will justify an interference with the discretion of the head of the public body. While I endeavour to defer to the judgment of a public body, I am authorized under section 58(3)(c) of the Act to excuse or reduce a fee. I may do so in a number of instances, in addition to an absence of good faith, such as where the head has taken into account irrelevant or improper considerations or acted with a purpose contrary to the Act.

***The actual exercise of a public body's discretion***

In this case, the Ministry did not apply the two-step process described in its submission. In its reasons to the applicant, the head combined the issue of the public interest with the discretion to waive fees. It appears that the head was of the opinion that at least some of the records related to a matter of public interest, and she waived fifty percent of the fees on this basis.

The two-step process should be applied as follows:

1. The head must consider the records requested and decide whether, in his or her opinion, they relate to a matter of the public interest. The focus should be on the nature of the information. To give some guidance to public bodies, I suggest that the following kinds of factors should be considered:

- has the information been the subject of recent public debate?
- does the subject matter of the record relate directly to the environment, public health, or safety?
- would dissemination of the information yield a public benefit by
    - disclosing an environmental, public health, or safety concern.

- contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or
- assisting public understanding of an important policy, law, program, or service?

- do the records show how the public body is allocating financial or other resources?

2. If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether the applicant should be excused from paying all or part of the estimated fees. The focus here should be on the applicant and the purpose for making his or her request. Factors that should be considered would include:

- is the applicant's primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?
- is the applicant able to disseminate the information to the public?

If the applicant's primary purpose is to serve a private interest, then the head may be justified in refusing to waive fees, even where he or she is of the opinion that the records do relate to a matter of public interest.

The factors described above are not intended to be exhaustive. I have relied to some extent on established criteria in Ontario, as set forth in the leading Ontario case on fee waivers: Information and Privacy Commissioner/Ontario, Order P-474, Ontario Hydro (Irwin Glasberg, Assistant Commissioner, June 10, 1993, pp. 1-3), taking into account the differences in the Ontario legislation. I understand that B.C. Information Management Services has been developing criteria for waiving fees in the public interest. I encourage it to continue this process.

***The Ministry's reasons for its decision***

This process of evaluating the appropriateness of a fee requires detailed examination of the reasons given to the applicant by the Ministry in order to evaluate whether the Ministry did indeed make "a conscious and reflective decision" in the matter. (Submission of the Ministry, paragraph 5.09) The main evidence for this purpose is the Ministry's letter to the applicant, dated August 15, 1996, which I will now proceed to analyze in detail. (Submission of the Ministry, paragraph 5.09) The applicant himself produced a detailed refutation of the Ministry's position in this matter in his initial request to my Office for a review, dated September 18, 1996.

1. The applicant stated that he would use the requested material for a projected Clayoquot Archive Project, a projected book, a workshop, and an undergraduate course essentially on "The Politics of Clayoquot Sound." The Ministry accepted that "some portions" of the Archive are in the public interest (making records more available to residents of Victoria and Tofino and providing an index to the records on the Internet, including a World Wide Web Site), but it concluded that the rest of the projected activities "while still of interest to the public will mainly benefit the individuals and

organization responsible for the events. In addition, these are revenue generating activities that we feel are subject to fees." The latter comments are relevant to the second step of the process, not to the determination of public interest in the records.

The Ministry's judgment of the applicant's research proposal as a whole appears to indicate a misunderstanding of the nature, character, and funding of academic research activities in this province. As the applicant has suggested, the notion that such activities are "revenue generating" is risible in an academic setting, where fees for participants are normally set at a level to at best recoup the expenses of particular activities such as a workshop. The revenues from writing and publishing a scholarly book in Canada are minimal. In addition, there are no revenues generated from preparing and teaching courses. Essentially, the overhead costs for all of these projected research and teaching activities are such as to render the Ministry's argument about revenue generation untenable. As the applicant specifically stated, "it is absurd to suppose that improved access to information will have any revenue-generating effects in relation to these projects." They are non-profit ventures. It is clear, on the evidence in this case, that the applicant's primary purpose in making his request is not to serve a private interest, but to respond to a public one.

2. The Ministry's second reason for refusing a full fee waiver is that "[a] great deal of information about the issue of the land use decisions in Clayoquot Sound is already public .... The information in the records requested will not raise issues which will increase public concern." Moreover, the Ministry asserts that the media have well publicized the issues surrounding Clayoquot and that public interest has waned, since the parties involved have resolved problems.

Again, I am of the view that the Ministry has misinterpreted and misapplied the concept of public interest in this respect. I do not accept the view that anything to do with Clayoquot Sound is not a matter of considerable public interest in the broadest sense of the term, which includes the kind of academic analysis, research, and teaching that the applicant is proposing to undertake. It is self-evident from the media, even in 1997, that issues remain to be settled in this controversial domain that much affect the public interest, such as forest renewal and forestry jobs. Moreover, the kind of public attention to these issues in this decade has been primarily in the popular press and not the kind of careful social scientific analysis, after the immediate passage of events, that is ultimately required for public policy debates in this province. As the applicant argued:

> ... the records are still of interest to contemporary political analysts and historians. Part of the point of freedom of information is that it makes it easier for scholars to make sense of things that have happened recently and to publish their findings in a timely way ....
>
> It is certainly in the public interest not to repeat the mistakes of the past. But, we <u>are</u> liable to repeat those mistakes if we--the public--have no access to <u>detailed</u> information about what was done and why.

In terms of establishing the extent of public interest in the proposed Archive Project, which is at the heart of the applicant's proposal, I have examined letters submitted by the applicant from, among others, the Clayoquot Sound Central Region Board; the District of Tofino; The Friends of Clayoquot Sound; the Pacific Rim National Park Reserve, Parks Canada; Professor R. Michael M'Gonigle, Eco-Research Chair of Environmental Law and Policy, University of Victoria; and the President of the Canadian Anthropological Society (also, it should be noted, a professor at the University of Victoria). I have also benefited from a reading of a seven-page project description for the Clayoquot Archive Project. (Affidavit of Gail Leatherdale, Exhibit C)

3. The third reason given by the Ministry is that the request is broad and general, encompassing a wide range and large volume of records. The fee estimate of $720.00, while reasonably high, does not in my view reflect a request so broad as to exclude it from the public interest. This is not a proper consideration in the circumstances of this request.

4. The fourth reason concerns the Ministry's allegation that the "portion of the public that will make use of this information is limited to researchers and a small portion of people in the Tofino and Victoria areas." To quote the applicant's exact reply:

> I suppose the same would be true of the next sighting of Elvis. The fact remains that there are many people who have already indicated that they would value the kind of archive we are trying to develop. I might note that these people include important representatives of the First Nations.

I view the academic research community as broadly representative of the interests of the public in their teaching, research, and communication roles. Moreover, as the applicant points out, researchers and students around the world will be able to use the Internet to learn about the Clayoquot Archive project and to then make plans to acquire their own copies of relevant materials for appropriate scholarly purposes. Such activities clearly involve records in the public interest in the sense in which that term is used in the Act.

The Ministry also states that the general public is "well acquainted" with the issues of Clayoquot Sound so that release of these records will be of "lesser interest to the broad majority of the public." This statement does not reflect the nature of scholarship in any discipline. Scholarship is by definition a minority interest, but that does not mean that it is not in the public interest. The province funds colleges and universities as centres of teaching, research, and publication because it is in the public interest to do so.

5. The fifth reason advanced by the Ministry is as follows: "Although the public may be interested in how the government conducted its operations in the Clayoquot Sound area, we feel this is more an argument for the information being of interest to the public, rather than in the public interest." The applicant responded:

> As a political scientist, I find this argument a bit startling. It is always in the public interest for the public to know how the government is conducting its operations. Unless the public has this information, it cannot make informed judgments, and so it cannot hold governments to account. What is at stake is not just a matter of curiosity. The government's management of the Clayoquot Sound dispute has been a major issue in provincial politics for a number of years. The public has a right to know how and why the government made its decisions, and to form political judgments on the basis of that information. The Clayoquot Archive Project will serve these purposes.

I have already indicated my view that research and teaching of the sort contemplated by the applicant clearly concern records that relate "to a matter of public interest, including the environment," to reflect the direct language of the Act.

It is my view that in this case, the Ministry failed to properly apply its own suggested two-step process for determining public interest and exercising the discretion to waive fees under section 75(5)(b) of the Act. While I do not question its good faith, the Ministry appears to have acted with a purpose contrary to the Act, given the evidence provided by the applicant. The head failed to exercise her discretion properly under section 75(5) by misinterpreting the applicant's primary reasons for making the request and by taking improper considerations into account in deciding whether the records relate to a matter of public interest.

During debates in the Legislature on June 23, 1992, then Attorney General Colin Gabelmann responded as follows to an Opposition question about the meaning of "public interest" in the context of a request for a fee waiver:

> The government and its agencies will develop policy and procedures in respect of this issue. If, in the commissioner's view, these policies are not appropriate, the commissioner will be able to provide advice on that and in the final analysis give direction. So it remains to be seen how this develops; there's not much more I can say than that. (British Columbia Debates, June 23, 1992, p. 2956)

In my reading of this statement, the Attorney General had a clear expectation that I might, and could, play a critical role on this matter, as I am doing in this Order. (Information and Privacy Commissoner/Ontario, Order P-474, June 10, 1993)

***Section 42(2)(c): The appropriateness of a fee***

The Ministry has reviewed several of my earlier decisions which set forth a standard of deference on my part to the head of a public body with respect to a fee waiver, since he or she is in possession of information and experience on the matter. (Order No. 79-1996, p. 4) I have already indicated in the preceding analysis that that is not the

case in the present inquiry. I have also taken notice in other Orders of the limited circumstances (at least as set out by one party) in which a fee required under the Act may be inappropriate; these included bad faith or extraneous considerations. (Order No. 55-1995, p. 8) (Submission of the Ministry, paragraphs 5.07, 5.08) However, none of these previous decisions involved requests for the kind of information sought in this case, and none involved requests by legitimate researchers whose primary purpose is to disseminate information in a way that could reasonably be expected to benefit the public interest.

I do not hold the view that any scholarly request for access to government records necessitates a fee waiver by a public body. I am also aware of the possibility of academic applicants securing outside funding in connection with such requests for access to records from public bodies. As in the circumstances of the present inquiry, an applicant must make a reasonable and reasoned effort to demonstrate why a specific request merits a fee waiver for reasons such as the fact that, to cite the Act itself, "the record relates to a matter of public interest, including the environment or public health or safety." In this inquiry, I find that the applicant has met his burden of proof on this point. Establishing an archive is a particularly useful way to serve the public interest, since such a variety of communities, from First Nations, to local communities, and forest companies, can use it.

I would find the issue of determining the appropriateness of a fee waiver much more worthy of consideration if I had encountered any evidence to date that academics have been abusing their access rights under the Act for research and statistical purposes. It is also hard to imagine a more timely topic for social science analysis than the politics of land use in Clayoquot Sound. It is possible that with a proper research agreement, at least some of the Ministry's costs for preparation of records, etc. could have been passed on to the applicant, who could have done most of the work for which fees have been charged.

I recognize that the criteria set out above place a substantial burden on an applicant for a fee waiver in the public interest. I do not expect such a fee waiver to be granted very often. For example, this is the first time in more than three years that I have approved the waiver of a fee under section 75(5)(b) of the Act.

## 8. Order

I find that the head of the Ministry of Aboriginal Affairs failed to exercise his discretion properly under section 75(5) of the Act. Under section 58(3)(c), I excuse the fee charged by the Ministry.

David H. Flaherty

David H. Flaherty
Commissioner

March 18, 1997

[**INITIAL INVITATION:** SAMPLE]

2 September 1996

Dear

I am pleased to invite you to participate in an International Workshop on the The Politics of Clayoquot Sound, to be held at Middle Beach Lodge in Tofino during the second weekend in May, 1997. Further details are in the attached materials.

As you will see, this Workshop is intended for a select group of about forty people. We want to have a balance between BC-based academics, outside scholars, and local informants. A number of scholars at the University of Victoria -- including Gerald Alfred, Bill Carroll, Michael M'Gonigle, James Tully, Rob Walker, and Jeremy Wilson -- have already committed themselves in principle to this project. Local informants will include a number of environmental activists, unionists, foresters, municipal leaders, and First Nations representatives: Tzeporah Berman, Chris Hatch, Valerie Langer, Karen Mahon, and Clive Pemberton will be among them. We also expect to have a few corporate and government officials in attendance. Invitations have gone to a number of prominent international scholars, including Jane Bennett, William Chaloupka, Donna Haraway, David Harvey, David Held, Tim Luke, Michelle Stanworth, and Sharon Zukin. We hope that you can join us as part of the group of BC-based academics who will be engaged in the workshop discussions.

Our purpose is to treat Clayoquot as a microcosm of contemporary politics, and to explore broader questions of political and social theory from this particular vantage point. Our focus will not be on what is to be done with the forests at Clayoquot, but rather on what we are to make of the possibilities for creative politics in the twenty-first century, in light of the experience at Clayoquot. Given the way that issues and movements have intersected at Clayoquot and then exploded outward, we think that Clayoquot is a particularly good place from which to begin theoretical explorations that are informed by a rich sense of contemporary political realities. For most of us in BC, Clayoquot is a familiar but strange place: there but not there in our political consciousness. We want to tap into that familiarity and strangeness, by inviting people with different sorts of expertise to come together to talk about the political and social meaning of Clayoquot from many different points of view. We think that the discussion will be stimulating for all concerned.

One of our aims is to produce an edited book. Kara Shaw and I have already been in touch with Dennis Judd, general editor of the new series on "Globalization and Community," which is to be published by the University of Minnesota Press. Judd's response has been very enthusiastic. At this point, we are not asking for proposals for the book or for commitments to it. The workshop is for people who have their own projects, which intersect with this one. We hope that the participants in the Workshop will take something away that will be useful for their own work, and that a few of them will be so stimulated that they really want to write for the volume we are developing. You may want

to look at the short of version of the book prospectus I have attached here, to get a sense of where your own work might fit into the over-all conception. No doubt, the plan of the book will change before we come to agreement with particular contributors.

We are asking B.C. participants to arrive at the Workshop in time for an opening banquet on Friday, May 9th. The Workshop will finish late in the afternoon of Sunday, May 11th. Thus, it would be possible to keep your stay in Tofino to two nights. Unless someone suddenly decides to shower us with money, we will not be able to pay for your expenses. However, we are negotiating favoured rates with Middle Beach Lodge, and we are confident of the funding necessary to keep registration costs low. We can help coordinate car-pooling from Vancouver and Victoria, and we will assist you in finding alternative accommodation in Tofino if the Lodge is unsuitable for you for whatever reason. If you can come a day earlier, you will be able to join our international guests in a number of familiarization activities for those who do not know the area well (or who simply want to spend more time in the Sound).

I would be grateful if you could give me a preliminary indication of your interest at this time. At the workshop, we will be breaking into discussion groups loosely connected to the themes indicated in the chapter outline of our book prospectus. By the end of this calendar year, workshop participants will all receive a book of background readings. We will be asking everyone to look carefully at this material and to submit a short (2-3 page) statement of research/discussion questions to be circulated beforehand. This will help us to organize the discussion groups and the workshop as a whole more effectively. If you have a paper that you would like to circulate, or that you think might be suitable for the edited book we have in mind, we would be happy to have it beforehand. However, it should be understood that *no academic papers will be read* at this workshop: our purpose is to talk *with* and not *at* one another.

I do hope that you are interested in attending. I think that this will be an exciting academic event, in an exceptionally pleasant setting. Join us if you can.

Yours sincerely,

Warren Magnusson,
Professor.

# THE POLITICS OF CLAYOQUOT SOUND

## International Workshop

Middle Beach Lodge
Tofino, British Columbia, Canada
8-12 May 1997

The recent controversies over logging at Clayoquot Sound -- in the heart of the temperate rainforest on the west coast of Vancouver Island, British Columbia -- have raised many difficult issues. Among other things, there have been arguments over the rights of First Nations, settlers, and outside authorities, disputes about ecological integrity and economic viability, questions about the nature and relevance of contemporary communities, intense differences of opinion about the legitimacy of civil disobedience and court injunctions, ongoing controversies about the principles of scientific research and the relationship of science to local knowledge, criticism from all sides of the role of the mass media in reporting and generating disputes, and -- needless to say -- passionate disagreements about the decisions that have been made by various authorities and individual actors. This maelstrom of controversy is a microcosm of contemporary politics.

Kara Shaw and Warren Magnusson -- political theorists at the University of Victoria -- have decided to bring together a group of distinguished international scholars to think, talk, and write about the issues raised at Clayoquot. This group will be joined by a select group of scholars from British Columbia and elsewhere in the Pacific Northwest. The range of disciplines represented will be very wide, including all the social sciences, some of the natural sciences, environmental studies, social and political theory, First Nations studies, and women's studies. Some of the scholars present will have been following the events at Clayoquot with care; others will be examining this case for the first time. Nevertheless, all of the participants will be bringing relevant expertise to the discussions. The third group present will have the strongest claim to local knowledge. This group will include environmental activists, labour organizers, foresters, First Nations leaders, community activists, corporate executives, and government officials -- people who have frequently been on opposite sides of the negotiating tables, courtrooms, and barricades that have been sites of struggle over Clayoquot. Valerie Langer, an internationally known environmental activist, will be bringing this group together in the expectation that activists from all sides will profit from -- and have much to contribute to -- a scholarly discussion of the wider issues that have been raised at Clayoquot.

The point of this workshop is not to go over old ground, or to try to determine what ought or ought not to happen at Clayoquot. The purpose instead is to draw back from the immediate disputes and to reflect upon the implications of those disputes for the way that we "do" politics in the contemporary world, and in particular upon the ways in which recent social, economic, and political changes such as globalization have shifted the character and potential of political conflicts. We need only glance at the daily newspaper to know that we don't "do" politics very well. Whether we think of politics as a means for achieving particular objectives or as a way of resolving our disputes peacefully, the assessment seems the same. There is a pressing need to re-think *what* we have been doing

"on the ground" in places like Clayoquot and *how* we are to represent that activity theoretically. These tasks are interdependent.

This workshop is designed to contribute to the necessary re-thinking. The editors are now assembling a documentary base for further research, in connection with the ***Clayoquot Archive Project.*** From this will be drawn a book of readings, which will serve as an introduction to the issues for scholars outside British Columbia, a resource book for others interested in researching or writing on Clayoquot, and a course text for "Issues in International Politics: Global/Local Politics in Clayoquot Sound," a class taught in the Political Science Department at the University of Victoria. The workshop organizers are preparing a narrative account of the disputes over Clayoquot, with maps, photographs, charts, tables, and time-lines. This account will be included in the book of readings, which will be available to workshop participants in the autumn of 1996 (and offered for sale through the University of Victoria Bookstore from January 1997). The organizers are also assembling other materials, including video and audiotapes, and they will be conducting recorded interviews with some of those most intimately involved in the various discussions, negotiations, and actions in the region. Copies of these materials will be available to workshop participants on request.

The workshop itself is scheduled for May 1997. It will be held at Middle Beach Lodge in Tofino, the main non-native settlement at Clayoquot Sound. Participation in the workshop will be strictly limited. We expect about forty people in total, including at least ten international scholars, about twenty academics from around British Columbia, and ten local activists. This mix of the three groups -- thoughtful people who have been involved in the issues, scholars from around the province, and outsiders who can bring fresh perspectives to bear -- ought to be particularly productive for the re-thinking we hope to inspire.

The May workshop is intended to be an educational event in its own right. The organizers will be seeking support from the local community to give outside visitors as rich a Clayoquot experience as possible. The intent is to precede the workshop with at least a day of presentations to the group by local people with different perspectives and a good knowledge of the region and the issues. Workshop participants will also have an opportunity to explore some of the land at issue, by boat and airplane as well as on foot. At the workshop itself, which will extend over another two days, the focus will be on academic presentations, in the form of draft papers or sketches of work in progress. By then, a number of the participants will have agreed to write chapters or commentaries for the edited book we have in mind, and the preliminary versions of these contributions are likely to be at the centre of the discussion. Some of the participants will be working on other writing projects -- mainly academic books and articles -- that are of a complementary character. Participants from outside the academic community will be drawn into the discussions as resource people and critics. The aim is to stimulate academic work that is both theoretically innovative and richly informed by practical experience.

The planned book *will* be academic. Some of the chapters will be more accessible than others. The editors will do their best to encourage contributors to write in a lively way, and to make their thoughts intelligible to a wide range of readers. However, it is often impossible to express difficult new ideas in terms that everyone will immediately

understand: the work of translation is slow and uncertain. There is in any case a need for academics to address other academics at a high level of theoretical sophistication. Ideas that are stated in simplistic terms will ultimately be ignored. This book must stand as a strong academic work if it is to have lasting value. Thus, it seems inevitable that some parts of the book -- and some parts of the preceding workshop -- will be "beyond" many people who are otherwise interested in what is being discussed.

The editors believe nonetheless that the workshop will be a valuable experience for non-academic participants -- a time for useful reflection. The resulting book will also be of value in publicizing the Clayoquot experience and stimulating thought about it. Even more valuable for some people will be the readings collected for students and workshop participants: it is hoped that these readings can be made more widely available. The editors' research team will be actively involved in the development of other information resources, under the rubric of the ***Clayoquot Archive Project.*** Any support that you or your organization can give to any of these projects will be greatly appreciated.

[DESCRIPTION FOR NON-ACADEMIC PARTICIPANTS]

**TENTATIVE SCHEDULE**

*International Workshop on the Politics of Clayoquot Sound*

Middle Beach Lodge, P. O. Box 413, Tofino, British Columbia, CANADA V0R 2Z0

Thursday, May 8th, 1997 [Optional]

International participants arrive, via Vancouver or Seattle and Victoria. Dinner at Middle Beach Lodge.

Friday, May 9th, 1997 [Optional]

Morning: Special presentations from First Nations, other local officials, unionists, environmental activists, etc.

Afternoon: Excursions. Latter to include flight for international visitors over the Clayoquot Region, boat trip and hike on Meares Island for everyone interested.

Evening: Opening banquet and welcome to British Columbia participants.

Saturday, May 10th, 1997

Morning: Plenary Session, focused on general themes of the anticipated book..

Afternoon: Discussion Groups, focused on particular chapters.

Sunday, May 11th, 1997

Morning and Afternoon: Plenary Sessions, led by particular Discussion Groups.

Monday, May 12th, 1997 [Optional]

Morning: Travel to Victoria

Afternoon: Discussions with Senior Government Officials

**NOTE**

Give the scenic attractions of Tofino, some participants may wish to extend their visit. The organizers will assist in the necessary arrangements. Family accommodation is available at Middle Beach Lodge and other near-by resorts. Local tourist activities include whale-watching, kayaking, sailing, surfing, fishing, and hiking. Trophy hunting has been popular in the region, but it is actively discouraged by local environmentalists.

**Department of Political Science**
**University of Victoria**
*P. O. Box 3050, Victoria BC, Canada V8W 3P5*

28 January 1997

[FOLLOW-UP LETTER TO PARTICIPANTS]

Dear

**RE: Workshop on the Politics of Clayoquot Sound**

We are happy to report that plans have been proceeding well for the upcoming International Workshop on the Politics of Clayoquot Sound, which is to be held at Middle Beach Lodge in Tofino, BC, 9-11 May 1997. We are writing now to bring you up to date on these plans, and to ask you for some information that will help us in organizing the event. Attached you will find a few information sheets, which will tell you most of what you need to know now. Please contact us if you have any further questions.

In the mean-time, we would be grateful if you could correct or amplify the attached description of yourself. We have prepared descriptions of all the participants -- sometimes on the basis of resumes that we had, but in other cases from information on book jackets, *etc.* In a few cases, we had little information to hand, so that the description is very thin. We would like to have 6 to 8 lines on each person. The intention is to circulate these descriptions to all participants. Please change the bio as you see fit, or just send us a short *c.v.*, which we can use to write a description for you. We think that these participant-descriptions are important for people's orientation to the event.

Some of our non-academic participants have been asking about what they should read in order to get a sense of what the academic participants have been writing about. If you can think of an article or book chapter of yours that would give other participants a sense of your work, please give us the reference when you send in your amended biographical description. If you have written anything about the Clayoquot region or the disputes there, please also give us those references (including those for reports and forthcoming publications). We intend to circulate these publications lists as soon as we have them.

You will be receiving a package of background materials from us in a couple of weeks. As noted on the attached information sheets, we are encouraging people to register for the Workshop and to book rooms at Middle Beach Lodge **before March 15th.** You will receive discounts if you can do so. Please be sure to notify us of your travel arrangements. We are encouraging everyone to come to the Workshop in time for the Orientation Day (Friday, May 9th), and you will have to get to Vancouver Island by

mid-day on the 8th if you are to take full advantage of that. In any case, please be in Tofino in time for the first session of the Workshop proper, on the morning of Saturday, May 10th.

We look forward to seeing you at the workshop. Please send us the attached registration forms as soon as you can.

Yours sincerely,

Warren Magnusson and Kara Shaw

# International Workshop on the Politics of Clayoquot Sound

Middle Beach Lodge, Tofino, BC, 9-11 May 1997

## Information for Participants

### Participants

We think that we have attracted an exceptionally interesting group of people -- a mix of senior and junior scholars from Canada and other countries, a number of astute and thoughtful activists from different sections of the Clayoquot community, and a sprinkling of others who have fresh perspectives to offer. You will be able to get a sense of this from the attached list of expected participants; we will send along the more detailed biographical descriptions as soon as we hear back from everyone.

### Background Reading

In a couple weeks, you will receive two photocopied "books" of primary documents, along with an accompanying Reader's Guide, bibliography, and other background materials. Under separate cover, we will be sending some additional materials to all the foreign participants: These are background materials, which are readily accessible in British Columbia, but which may be difficult to find in foreign libraries. (Other participants will receive lists of these additional references.) **We hope that everyone will have had an opportunity to go over these materials before the Workshop.**

We have collected a small archive of relevant documents, from which we have made the selections we will send to you. On request, we can supply you with further information about our holdings, full copies of any of the excerpted documents we send, or any other documents we have in the archive. We hope to have our own Web site soon. When that is established, you will be able to consult our list of holdings from your own office.

### To Write or not to Write

No papers will be read at the Workshop. However, we would like to have your first thoughts in response to the background materials we send you. The easiest way to communicate these thoughts is by E-Mail to wmagnus@uvic.ca or shawk@uvic.ca. If you send us a message, we can copy it to the rest of the Workshop participants. That way, the dialogue can begin even before the Workshop itself is convened.

If you have a proposal for a book chapter, please send that in hard copy, by mail or FAX (1-250-721-7485). We will not be circulating these proposals generally, and so you may want to put some of your ideas in circulation to the other participants by sending us an E-Mail as well. Unless you indicate otherwise, we will assume that your E-Mail messages on the substance of the Clayoquot Workshop are for general circulation. If there is any

other material -- such as a relevant paper or article that you have written -- that you would like to have circulated to other Workshop participants, we will arrange for this as best we can, within the limits of our budget. In any case, we would appreciate having copies for our archive.

Transportation to Tofino

If you are coming from outside British Columbia, you should make your travel arrangements as soon as possible. It will be best to make make your own bookings, to suit your particular requirements. **However, it is important for you to notify us of your arrival and departure times, so that we can coordinate ground transportation to and from Tofino.** Tofino is about five hours by road from Victoria and three hours from Nanaimo. We would prefer that you arrive in Victoria by noon on May 8th; we will arrange transportation from there. We can also arrange to pick you up in Nanaimo at either the airport or the ferry terminal. Remember to leave time and energy for the drive. **You will not be in time for the Workshop Orientation Day unless you arrive in Victoria or Nanaimo by noon on Thursday, May 8th.** If your other commitments are such that you cannot arrive by that time, we will nonetheless make every effort to get you to Tofino as expeditiously as we can. However, we do encourage you to come for the whole Workshop, including the Orientation Day.

We can also help to arrange transportation to Tofino for those coming from closer regions. Please advise us if you would like a ride, or if you are driving up and would have space for a passenger, and we will help to organize car-pooling.

Accommodation

Tofino is not a big place, and so anywhere you stay there will not be very far from the proceedings. However, we urge you stay at Middle Beach Lodge if at all possible. **We have arranged "off-season" rates "at the Beach" in Middle Beach Lodge for participants who book before March 15th.** You should make your own booking, by FAX at (250) 725-2901, by telephone at (250) 725-2900, or by mail at P.O. Box 413, Tofino, B.C. V0R 2Z0. Let them know that you are a participant in "The Politics of Clayoquot Sound" Workshop. (Ask for Jacqui or Karen if there is any confusion.) The off-season rates vary from $72 to $116 (Canadian) per room, per night for the rooms that we have reserved. There are 25 such rooms available: most with Queen-sized beds. (There are also three rooms with single beds, but we are reserving these for graduate students.) Prices are higher for Ocean-facing than for Forest-facing rooms, for Upper Floor as opposed to Ground Floor rooms, and for rooms with balconies.

Slightly more luxurious accommodation is available at *Regular* Season rates at the newer part of the Lodge "at the Headlands". The rates there vary from $120 to $180 a night. There are an additional 26 rooms in this section, and they come in various configurations. Seventeen of them are in the form of small suites or cabins, with kitchenettes, pull-out sofa-beds, and (in some cases) sleeping lofts for children. These suites would be best for

those travelling with children. They also would work well for those of you who would like to lower costs by sharing accomodation. If you are interested in sharing accomodation, please let us know and we can help to arrange it.
The two Lodges that form the Middle Beach complex are only a short distance apart. The Conference Room that we will be using on the 9th is at the Headlands. The large Lounge and Dining Room at the Beach will be for the exclusive use of Workshop participants.

Packing Suggestions

You will want to bring casual clothes and be prepared for some hiking. Hiking boots or good walking shoes would be best for foot wear. You will also definitely want to bring along rain gear -- even though it will be May, you are entering a temperate rainforest! The weather in May is unpredictable. It probably won't be too cold, but chances are good that it will be wet at least part of the time.

Partners and Families

Middle Beach is well equipped for a family holiday. If you were to book one of the suites at the Headlands, you would have ample accommodation for a small family, and you would even be in a position to prepare your own meals. We encourage you to take advantage of the opportunity for a longer, more leisurely stay at Middle Beach. Just don't forget to come to the Workshop.

If a number of you book family accommodation for the period at Middle Beach, we will attempt to negotiate a rate reduction for you. However, we cannot make any guarantees in this regard now.

Orientation Day -- May 9th

We highly recommend that you make it for the Orientation Day, if at all possible. Even if you are a BC resident, you will find much to interest you in the presentations and excursions we are arranging. You will get an update from and talk with local residents about the latest developments in the Region, and have an opportunity to tour the rainforest. (The exact nature of this tour is weather-dependent. International visitors will be offered small-plane flights over the Sound, courtesy of "Lighthawk," a non-profit environmental organization that specializes in giving people a bird's eye view of contentious areas. However, Lighthawk's aircraft cannot fly in bad weather, and the flight is not really worth taking if the visibility is poor. We have also arranged for a boat tour of Clayoquot Sound, and we should be able accommodate all Workshop participants on such an excursion. The boat trip is less vulnerable to weather-disruption -- but by no means invulnerable. At worst, we will resort to the roads and trails, and offer you a real *rain*forest visit to both a clear-cut and an unlogged area.)

An Opening Banquet is planned for the end of that first day -- and the cost of it will be included in your registration fees. (So, you will have a financial incentive to arrive by the 9th at the latest).

The Workshop

Our discussions will begin on Saturday morning, the 10th of May, and extend throughout Sunday, the 11th. Most of the meetings will be at Middle Beach Lodge itself, but some of the plenary sessions will be held at the Legion Hall in Tofino. We will provide local transport as required.

Those interested may wish to join us in Victoria on the 12th, where we will have arranged some meetings with provincial government officials that afternoon. You should take account of this extra opportunity when you make your travel plans.

Getting Home

Although the main part of the Workshop will be over by 5 pm on Sunday -- just in time for Vancouver participants to beat it back to catch the last ferry from Nanaimo to Horseshoe Bay -- we think that you will enjoy the experience more if you stay over in Tofino on Sunday night, and head back on Monday morning, in the daylight. Remember that it is a difficult drive over the mountains, and that you will probably be rather exhausted at that point.

Certainly, there will be some vehicles leaving Tofino on the evening of Sunday the 11th. However, you could not expect to be in Nanaimo before 8 to 9 pm, or in Victoria before 10 or 11. This means that most people flying to more distant places will have to count on leaving the next morning. Consult carefully with your travel agent -- or E-Mail us if you have any questions.

The main party will leave Tofino between 7 and 9 am on Monday, for planned arrivals in Victoria between noon and 2 pm.

Funding

We have promised travel and subsistence costs to a few of our foreign participants, and we will certainly redeem those promises. If our funding drive goes as expected, we should also be able to cover the costs of travel to BC for other participants from outside the province. In addition, we will be offering support to a handful of graduate students. That will just about exhaust our travel and subsistence budget. BC-based participants should assume that they will have to fund their own participation.

Registration

We do have a registration fee. In fact, we cannot get funding from the Social Sciences and Humanities Research Council -- as we hope to do -- unless we charge one. The fees are as follows:

**$75 (Canadian) for registration before March 15th**
**$100 (Canadian) for registration after March 15th**

We will consider reducing fees for foreign participants or as the need arises. Fees for graduate students and non-academic resource people will be waived. To register, return the attached form by mail or fax.

The good news is that your registration fee will not only cover the costs of your conference materials, but will also entitle you to entry to the banquet on Friday, May 9th. In addition, we will be supplying lunches to Workshop participants on the 9th, 10th, and 11th.

Contacting other Workshop participants

E-Mail addresses are on the participants's list, which we are distributing with this letter. We don't have everyone's address yet, and so you should send yours along to us, if you don't find it on the list. In a later mailing, you will be receiving a fuller description of each participant, along with some more contact information.

Questions? Need more information?

Try any of these addresses or numbers:

**KEVIN BROWN,** Department of Political Science, University of Victoria, P.O. Box 3050, Victoria, BC, Canada V8W 3P5. *Tel* 250-721-6492, *FAX* 250-721-7485, *E-Mail* kdb@uvic.ca.

**VALERIE LANGER,** Box 519, Tofino BC Canada V0R 2Z0. *Tel* 250-725-2600; *FAX* 250-725-2527; *E-Mail* focs@web.apc.org

**WARREN MAGNUSSON,** Department of Political Science, University of Victoria, P.O. Box 3050, Victoria, BC, Canada V8W 3P5. *Tel* 250-721-7494, *FAX* 250-721-7485, *E-Mail* wmagnus@uvic.ca

**KARA SHAW,** Department of Political Science, University of Victoria, P.O. Box 3050, Victoria, BC, Canada V8W 3P5. *Tel* 250-721-7496, *FAX* 250-721-7485, *E-Mail* shawk@uvic.ca.

**Department of Political Science**

**University of Victoria**
*P. O. Box 3050, Victoria BC, Canada V8W 3P5*

1 April 97

TO: **Clayoquot Workshop Participants**

FROM: Warren Magnusson and Karena Shaw

We would like to thank you all for your positive response to our plans so far.

As you know, this Workshop is designed to facilitate new thinking: not only about the Clayoquot experience, but also about similar experiences elsewhere in the world. Your hosts are political theorists, with an interest in a wide range of questions about identity, territory, culture, community, scientific knowledge, and the possibilities of contemporary politics. In structuring the program for the Workshop, we have put questions of political theory at the centre. We will be doing our best to keep them there.

Remember that this is **not** the place to solve the problems of Clayoquot Sound or to develop new political strategies. The people attending the Workshop are from various backgrounds and they have quite different interests in the issues -- some practical, others theoretical. Towards the end of the Workshop, there will be time for those who have particular policy concerns or political commitments to talk with sympathetic people about paths forward. However, for most of the weekend, our attention will be focused on less immediate issues. We hope that both activists and scholars will take this as an opportunity to step back from pre-conceived concerns and explore some new ideas with a congenial group of people. We look forward to a relaxed, free-flowing, but challenging set of discussions.

As you may imagine, our ideas about program organization keep evolving. We have now settled on the plan attached. You should review it with care, since it may have some effect on your plans for the weekend.

Please note especially the topics of the discussion groups for Saturday, May 10th. We invite all participants -- but especially the academic participants -- to send us **a paragraph** by E-Mail, in which you indicate what **you** think the main issues are with respect to **one** of the topics indicated. (The document list under each heading is intended to help you identify such issues.) **Please do so by April 21st at the latest.** We will collate these responses and send them out to all the participants. If this process works as we expect -- and we will nag you if it doesn't -- we will have several different views of the appropriate topics for discussion, for each of the groups indicated. Each group will have co-facilitators, who will use these written submissions to get things started. We have left things even more open on Sunday. If you are bringing your family with you, please note some of the arrangements for their benefit.

## REVISED PROGRAM

### THURSDAY, MAY 8TH: ARRIVAL

Many of you will be arriving as recommended on Thursday evening. **A casual buffet dinner will be available at the Lodge, but you should notify us in advance if you want to take advantage of it.**

There will be a registration table at the Lodge from 5 to 8 pm. At that time, we will be asking you to sign up for meals and excursions. Since the service-providers need to know numbers in advance, it is important for us to have this information as soon as possible, but in any event no later than noon on Friday, May 9th. Lunches are free to the participants, as is dinner on Saturday night. Other meals are available at cost (approximately $10 a head for lunch, and $20 a head for dinner, half price for children under 12) to participants and their families. (Families also can be accommodated at cost on Saturday night.) Most of the excursions are free to participants, but there is a (discounted) $30 a head charge for the (optional) nature tour of the Sound. We are also arranging some excursions at cost for family members. We will be collecting payment, as appropriate, for these meals and excursions when you sign up. We can accept cash, travellers' cheques, or personal cheques (drawn on a Canadian or an American bank) but not credit cards for this purpose.

### FRIDAY, MAY 9th: ORIENTATION DAY

The registration table will be open from 9 to 10 in the morning, 1 to 2 in the afternoon, and 6 to 7 in the evening. Please register as soon as possible, if you have not already done so on Thursday.

Morning (from 9:30 am)

There will a brief plenary meeting, followed by a short bus trip to a near-by clear-cut, where participants will hear presentations from Chief Frances Frank of the Nuu-chah-nulth Central Region Tribes, Valerie Langer of the Friends of Clayoquot Sound, and Clive Pemberton, formerly Camp Chair of the International Woodworkers' of America, Kennedy Lake Division. These presentations will be followed by a guided hike into a near-by unlogged area in the rainforest. Bag lunches will be given to participants.

It should be possible to accommodate spouses on this outing, but it will not be an event suitable for children.

Afternoon (from 2:00 pm)

A number of afternoon excursions will be available, including:

* a short boat-trip into Clayoquot Sound for a hike on Meares Island (a Nuu-chah-nulth Tribal Park)
* a more extended guided nature tour of the Sound by boat (Xodiac)
* a flight over the region in a small aircraft, courtesy of Lighthawk (priority to non-Canadian participants and/or those who have not yet seen the region by air)

It will probably be possible to combine the first and third options.

All these events will be oriented toward the Workshop, in that the guides will be attempting to explain local political events in relation to the landscape in view. However, family members will be welcome on these excursions on a "space-available" basis. We can facilitate access to similar tours on Saturday and Sunday, for those who cannnot be accommodated on this day.

Evening (from 6:00 pm)

Middle Beach Lodge cannot accommodate all of us in one space for dinner. Participants will be meeting for drinks and a brief welcoming ceremony at about 6 o'clock. Then we will divide up for a buffet dinner at the two lodges. Families are welcome for dinner, which will be free to Workshop participants and at cost to others.

We hope that you will make use of the main Lounge in the Lodge at the Beach to get to know one another. We will be setting up a large television in the conference room (in the Lodge at the Headlands), where videos about Clayoquot and the rainforests will be shown. We are also arranging for a slide show, with commentary by local activists. Family members are welcome at these events.

SATURDAY, MAY 10th: WORKSHOP DISCUSSIONS

There will be a brief plenary session in the morning, after which we will break into four discussion groups, under the headings indicated below. We will come together again for an informal buffet lunch, and then break into different groups for afternoon discussions. You will have to make your own decision about which group to join, and some groups may decide to split or re-arrange themselves as seems appropriate.

In the outline for our projected book, ten chapters are identified, aside from the introduction and conclusion. You may wish to look at that outline, to get a sense of what we were thinking about when we invented the following categories. As you will see, we have reduced the categories from 10 to 8, and changed them slightly for purposes of discussion. We are conscious of the fact that there are other themes to be explored. (See the Sunday program.) Below each title you will find some references to the **Clayoquot Documents**. You should consult these selected documents to get a better sense of where discussion might begin.

As indicated, we would like each of you to send us a single paragraph (preferably by E-Mail) by April 21st and to indicate in it what you think the main issues for discussion should be under one of these headings. You may have ideas about all the headings, and you may have some topic in mind that transcends everything -- but you should save such thoughts for Sunday morning. For the moment, just pick **one** of the Group topics below, and give us your thoughts on that.

We expect to have a special nature tour for children of participants on Saturday. Information about this and other excursions available for spouses and children will be in your registration package.

Saturday Morning (from 9:30 am)

Group 1: Productions of Identity and Authority

*Clayoquot Documents*:
Vol. 1, pp. 15-22, 245 (Nuu-chah-nulth declarations)
pp. 23-28 (Tofino Chamber of Commerce)
pp. 29-34, 229 (constructions of gender)
pp. 37-42 (Share BC)
pp. 79-107 (anthropogists' regional history)
p. 179 (Rainforest Coalition)
pp. 231 (Welcome to Peace Camp)
Vol. 2, pp. 1-8 (Pulp & Paper Workers of Canada)
pp. 35-41 (loggers' march on Legislature)
pp. 53-84 (company/First Nations/environmentalist correspondence)
pp. 101 (Environmentalist attack ad against MacMillan Bloedel)
pp. 205-10 (Clayoquot Sound Central Region Board)

Group 2: First Nations: Territoriality, Sovereignty, Pluralism

*Clayoquot Documents*:
Vol. 1, pp. 1 (Meares Island Tribal Park Declaration)
pp. 15-22 (Nuu-chah-nulth Tribal Council, "Land Question")
pp. 79-107 (Nuu-chah-nulth history: anthropologists' summary)
pp. 109-20 (Nuu-chah-nulth sustainable development interest)
pp. 245 (Nuu-chah-nulth response to government land-use decision)
Vol. 2, pp. 9-23 (Clayoquot Sound Scientific Panel)
pp. 25-31 (Interim Measures Agreement)
pp. 53-84 (company/First Nations/environmentalist correspondence)
pp. 103-43 (Scientific Panel: First Nations' Perspectives on forestry)
pp. 191-201 (Coates Report on Modern Treaty experience)
pp. 205-10 (Central Region Board)
pp. 257-60 (Traditional Ecological Knowledge Group: Draft Protocol)

Group 3: Social Movements and the State: Of and Against Capital

*Clayoquot Documents*:

Vol. 1, pp. 35-36, 193-94, 211-18, 265-68 (BC government "decisions", 1988-93)
pp. 271-86 (MacMillan Bloedel & Clayoquot Sound: Briefing Notes)
pp. 287-94 (Justice Bouck's decision on criminal contempt)
p. 295 (NDP legislators' response to Mr. Justice Bouck)
pp. 299-304 (environmentalists's international ad campaign)
Vol. 2, pp. 25-31, 211-12 (Interim Measures Agreement and Extension)
pp. 53-84 (company/First Nations/environmentalist correspondence)
pp. 85-100 ("Forestry: Canadian Evolution," *Paper Europe*)
p. 153 ("Visit Beautiful British Columbia")
pp. 171-75 ("Log It or Leave It," *BBC Wildlife*)
pp. 295-98 (Clayoquot Rainforest Coalition: Strategies)
pp. 305-306 (MacMillan Bloedel Clayoquot Shutdown)

Group 4: Postindustrialism: Communities and Development

*Clayoquot Documents*

Vol. 1, pp. 3-4 ("History of battle to save Meares")
pp. 5-7 (MacMillan Bloedel Briefing Notes on Meares)
pp. 9-14 (Tourism Study, Tofino Chamber of Commerce)
pp. 23-27 (Tofino Sustainable Development Steering Committee, 1989)
pp. 35, 43-9 (Clayoquot Sound Sustainable Development Task Force)
pp. 51-64 (Task Force evaluation)
pp. 65-74, 131 (environmentalist critiques; SHARE response)
pp. 75-78, 133-40 (public workshops)
pp. 109-15 (Nuu-chah-nulth sustainable development interest)
pp. 123-29 (Tourism Sector)
pp. 153-74 (Clayoquot Sound Sustainable Development Strategy, 1992)
Vol. 2, pp. 25-28 (Interim Measures Agreement)
pp. 155-56 (Ahousat trail building project)
pp. 157-58 (Santa Cruz and Marin County Council resolutions, 1995)
pp. 183-202 (Treaty processes)
pp. 211-12 (Interim Measures Extension Agreement)
pp. 237-56 (CRB: Clayoquot Biosphere proposal)
pp. 275-79 (Clayoquot Science Symposium: Research & Communities)

Saturday Afternoon (from 2:00 pm)

Group 1: Science: Reason, Tradition, Locality, Authority

*Clayoquot Documents*
Vol 1., pp. 71-72 (environmentalists resign from CSSDSSC)
pp. 265-68 (Scientific Panel announced)
Vol. 2, pp. 9-24 (Scientific Panel, First Report)
pp. 43-52 (Scientific Panel, Second Report)
pp. 103-43 (Scientific Panel: First Nations' Perspectives)
pp. 145-47 (Scientific Panel: "A Vision and Its Context")
pp. 151-52 (Clayoquot Biosphere Project)
pp. 159-69 (Clayoquot Science Symposium, 1995)
pp. 171-75 ("Log It or Leave It," *BBC Wildlife*)
pp. 281-82 (UBC Dean of Forestry, editorial)
pp. 275-79 (Clayoquot Science Symposium, community participation)

Group 2: Markets and Media: Knowing in the Global Village

*Clayoquot Documents*
Vol. 1, pp. 141-52 (Clayoquot: Latin American commentary)
pp. 179-92 (environmentalists' 1993 international campaign)
pp. 207-209 (*The Globe and Mail*, "Canada's National Newspaper")
pp. 233-35 (Australian band plays at Clayoquot Peace Camp)
pp. 239-42 (*San Francisco Chronicle*)
pp. 249-57 (*MacLean's*, Canada's Weekly Newsmagazine)
pp. 299-312 (international ad campaigns and response)
pp. 323-25 ("How do you battle a Kennedy?")
p. 327 (*The New York Times*)
Vol. 2, pp. 85-100 (*Paper Europe*)
pp. 149, 153 (ad wars in the US: Rainforest Action *vs.* Forest Alliance)
pp. 157-58 (Santa Cruz and Marin County Council resolutions, 1995)
pp. 217-18 (Hollywoood stars oppose clearcuts, 1996)
pp. 219-24 (Rainforest Coalition Campaign)
pp. 269-73 (World Conservation Congress: Biosphere endorsement)
pp. 295-98 (Rainforest coalition strategies)
pp. 341-43 (MacMillan Bloedel operations)
p. 355 (the geography of global protest)

Group 3: Law and the Politics of Resistance

*Clayoquot Documents*

Vol. 1, pp. 193-94 (Clayoquot Land Use Decision, 1993)
pp. 195-203 (Response: Commission on Resources and Environment)
pp. 221-26 (Injunction against environmental protesters
pp. 227-37 (the Clayoquot Blockades, 1993)
pp. 245-47 (protest ads, 1993, 1994)
pp. pp. 249-57 (the battle for Clayoquot: *MacLean's*)
pp. 259-61 (MacMillan Bloedel ads and enviro response)
p. 263 (Certificate of Arrest)
pp. 265-86 (policy responses to the blockades)
pp. 287-94 (Bouck: court decision *re* blockaders)
pp. 295 ("The Judge and the [NDP] Politicians")
pp. 297-98 (commentary on Bouck's decision)
pp. 313-22 (*Not Guilty*: Newsletter for Clayoquot Arrestees)
Vol. 2, pp. 25-31 (Interim Measures Agreement)
pp. 183-201 (Treaty negotiations)
pp. 225-31 (Tenure Renewal)
pp. 235-36 (Greenpeace resistance to Supreme Court of Canada)
pp. 295-98 (Rainforest Coalition strategies)

Group 4: Social Democratic Futures

*Clayoquot Documents*:

Vol. 1, pp. 35-6, 51-64 (the Task Force and its failure)
pp. 175-78 (NDP Forest Policy Paper, 1992)
pp. 193-94 (Announcement: NDP government land use decision)
pp. 211-18 (the government's public rationale)
pp. 287-94 (Justice Bouck's decision on criminal contempt)
p. 295 (NDP legislators' response to Bouck)
Vol. 2, pp. 1-8 (PPWC's Forest Policy, "Jobs, Trees, and Us")
pp. 33-34 (Clayoquot Sound Land Use Decision, April '94 Update)
pp. 35-41 (Loggers march on legislature)
pp. 177-81 (Share B.C., "A Vision for Resource Management")
pp. 213-14 (government offsets corporate costs)
pp. 225-31 (CRB discussion of Tree Farm License renewal)
pp. 285-93 ("The Human Costs of Saving Trees," *BC Business*)
pp. 303-304 (Friends of Clayoquot Sound on jobs)

Evening (from 6:00 pm)

The Lodge can accommodate up to 60 for dinner -- but this one is on you, not us. If you are interested, you should sign up when you arrive. We can help you make suitable arrangements at a Tofino restaurant if you prefer. In any case, the evening will provide an

opportunity for you to continue discussions begun during the day, or to connect with people whom you have missed so far. We are conscious of the fact that you may wish to be in more than one place during these discussions.
There will again be videos and a slide show available after dinner, and we encourage you to make use of the Lounge.

SUNDAY, MAY 11th: MORE DISCUSSIONS AND PLANNING

We will again begin the day with a plenary session, but this one is likely to be slightly longer than the one on the first day. The main purpose of this session is to identify themes that have not yet been adequately explored. Once we have identified the main subjects that have yet to be discussed, or that people would like to explore further with a particular focus, we will again break into groups to pursue these issues at greater length. The morning plenary will also give people the opportunity to indicate activities that they wish to organize for the afternoon (see below).

Morning

Plenary: 9:00 -- 10:30 am

Discussion Groups: 10:45 am -- 1:00 pm

Lunch: 1:00 - 2:30 pm

At our final lunch together, the Workshop convenors will be making some closing remarks, including a number of important announcements about publishing plans, research facilities, and other matters of particular interest to those who are interested in pursuing further research or writing theoretical essays about the matters we have been discussing. We have three distinct publishing ventures in mind.

Afternoon: 2:30 -- ?

We urge you to stay for as much of the afternoon as possible, especially if you are thinking about writing for one or other of the ventures that we have explained over lunch. We will be particularly interested in talking with out-of-province participants about their writing and research plans. (We assume that we can catch up with the rest of you at a later date, as necessary.) Our research assistants will be there to explain how you can get access to research material that we have collected. Some of the Archive materail will be available there for inspection. You will also have an opportunity to connect with other scholars or local resource people with whom you may wish to do further work.

For those of you who have more of a policy-action focus, this will be your chance to connect with like-minded people to discuss such matters more seriously. You may tired of theoretical discussions at that point.

Evening

Most people are leaving either in the late afternoon or early in the evening. Again, we can facilitate dinner plans, but we expect that most of you will want a break from academic discussions by this time.

Please contact us if you have any questions about the arrangements. We look forward to seeing you in Tofino.

# *RAINFOREST CRUNCH:*

## The Politics of Clayoquot Sound[1]

edited by
Kara Shaw and Warren Magnusson
Department of Political Science
University of Victoria

Clayoquot Sound is a scenic forested area on the west coast of Vancouver Island, British Columbia, where there have been ongoing protests about clear-cut logging. The protests have attracted widespread international attention, and some of the major environmental organizations have adopted Clayoquot as a poster-child. The territory in question is subject to aboriginal land claims, and it is coveted as much for eco-tourism as it is for forestry. Despite its apparent remoteness, Clayoquot is very much part of the urban reality of the Pacific Northwest. We can observe there the complicated interplay of globalization and community in the ongoing tensions between local and international environmentalism, aboriginal and settler communities, industrial and post-industrial models of local economic development, workerist and feminist conceptions of personal identity, and modernist and post-modernist models of political action. Clayoquot is a site where the structural forces and political practices that characterize emerging forms of power and authority have become particularly visible. To understand what is happening there, we have to go beyond the familiar categories of statist politics. Not only have the struggles at Clayoquot had a dramatic impact on local and regional politics, but they have also brought about important changes in economic policy, provided influential models for environmentalist, feminist, and aboriginal activism, and broken open the neat divisions between types of politics. To many observers, the politics of Clayoquot Sound exemplify all the opportunities and dangers of emergent modes of "progressive" political action.

This book (and the workshop that precedes it) will explore those opportunities and dangers, by focusing on Clayoquot as a microcosm. The specificity of the site will enable us to explore a wide range of difficult theoretical issues, without losing focus. As indicated in the attached Workshop proposal, the editors expect this book to develop organically out of a conversation between a select group of local activists, an equally select group of critical political economists and others interested in environmental issues, and a number of influential and innovative social and political theorists whose concerns transcend the particularities of these struggles. Almost all of the existing literature on environmental and related movements remains thin in its exploration of fundamental principles of political organization, and it is most persuasive when most descriptive. By contrast, this project seeks to go beyond descriptivism -- and, indeed, beyond the familiar frames of environmentalist critique and post-Marxist political economy -- to

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[1] This is a brief of a proposal for an edited book about recent political struggles at Clayoquot Sound. The full proposal -- which is now under consideration by an American university press -- is available on request..

treat the political actions/struggles in Clayoquot Sound as powerful examples of the reconstitution of political aspirations and practices in a world of global sensitivities, challenges to the established authorities of states, and multiple conflicts over identities, communities, and strategies for collective action.

The book will contain about 12 original papers totalling approximately 275 book-pages, combining a detailed narrative account of events with sharp theoretical interpretations of their broader significance. It is certain to challenge the complacency of social and political theorists -- even progressive ones -- who tend to take prevailing conceptions of political action too much for granted.

The prospective audience for this book is very wide. It includes political and social theorists, especially those interested in emerging forms of democratic participation; theorists of urban politics, especially those who resist simple distinctions between the rural and the urban; theorists of international relations, especially those who resist official distinctions between the international and the domestic or the global and the local; and perhaps most especially, all those trying to make sense of contemporary forms of identity politics in a world in which nation and state no longer provide obvious solutions to all questions about political community and legitimate authority.

The attached chapter outline is intended only to indicate the editors' present sense of the book's likely structure. The order of the chapters is determined by various considerations, including the chronological sequence of events and the need for reviewing certain matters as a prelude for considering other issues. In Chapters 1 to 4, the focus is on the clash of identities at Clayoquot; in Chapters 5 to 8, attention shifts to the state and the market as sites where particular "solutions" to the issues at Clayoquot have been enacted and contested; and, in Chapters 9 and 10, we move on to consider the role of the media and various forms of science in developing or enforcing authoritative understandings. All these chapters will be written by participants in the May workshop, and there is no doubt that the shape of the book will change substantially once the potential contributors become engaged in discussions. The editors will provide an introduction both to the disputes at Clayoquot Sound and to the theoretical issues raised by these disputes. The editors will also avail themselves of the opportunity of the last word, in their own concluding essay.

# RAINFOREST CRUNCH

The Politics of Clayoquot Sound

PROPOSED TABLE OF CONTENTS


INTRODUCTION: *Clayoquot in Context*

A narrative introduction by the editors, with accompanying maps, tables, time-lines, photographs, and charts. Readers will be introduced to the events at Clayoquot, and provided with some of the background necessary for understanding the following chapters. The editors will also highlight the theoretical issues that motivate the book, and that lead them to their claim that Clayoquot politics are a microcosm of global politics.

Chapter 1: *Ecologies and Communities*: The Practices of Sustainable Development

This chapter will focus on the question of sustainable development, and in particular on the various efforts in the region to put the principles of the Brundtland Commission into practice. Not only are these efforts of interest in their own right, but they also raise a number of difficult theoretical issues concerning the relationship between ecology and community, the nature of local democracy, the complications of contemporary identity claims, and the impact of the global political economy on particular regions.

Chapter 2: *Cyborgs, Ecofeminists, and Real Men*: The Peace Camp and the Politics of Gender

The 1993 Clayoquot Peace Camp was one of the most notable of recent eco-feminist political initiatives, and it generated world-wide publicity. This chapter will provide an occasion for exploring the complicated politics of gender, in a context in which presentations of gender identity were crucial to the success of protest campaigns and to the various efforts to contain those campaigns.

Chapter 3: *Aboriginality and Nativity*: First Nations and Settlers

Clayoquot Sound is in the territory of the Nuu-chah-nulth people. Nuh-chah-nulth leaders are now engaged in treaty negotiations with the Governments of Canada and British Columbia. The process is obviously of much interest to environmental activists, logging companies, and people in the non-native settlements. The purpose of this chapter (or set of chapters) will be to explore the implications of this post-colonial situation, with attention both to the world-wide movement of indigenous peoples and to the particularities of the challenges faced by the peoples and government of British Columbia.

Chapter 4: *Trekkers, Truckers, and Trekkies*: Class, Community and the Production of Self

The media image of the conflict at Clayoquot has been dominated by the picture of environmentalists vs. loggers. Although this image is simplistic, it points toward the need for exploring the relationships between class, community, and personal identity. As this chapter should make clear, these relationships are both more complex and more interesting than the media have suggested, and they point toward possibilities of political alliance that have often been neglected.

Chapter 5: *Inside/Outside the State*: Parties, Cabinets, and Round Tables

Since 1991, the Government of British Columbia has been controlled by the New Democratic Party, a social democratic organization which claims to speak for workers, environmentalists, feminists, and aboriginal activists. This has made the government's efforts to mediate the disputes at Clayoquot particularly interesting. The purpose of this chapter is partly to explore the tensions within that party and the government, and partly to examine the government's efforts to find "alternative dispute resolution mechanisms" for dealing with conflicts among its own ostensible supporters.

Chapter 6: *Legal Insurgency*: Injunctions and Civil Disobedience

Environmental protesters at Clayoquot have resorted repeatedly to civil disobedience, and they have been met with efforts to forestall protests by means of court injunctions. In a sense, both sides have attempted to circumvent the executive and legislative authority of the state, and have as a result found themselves on a ground occupied by police officers and court officials. This chapter will explore the implications of such extra-parliamentary action.

Chapter 7: *Configurations of Capital*: Industrial Forestry and Post-Industrial Tourism

The conflicts at Clayoquot have occurred in the context of industrial restructuring and globalization within the forest industry. At the same time, the region has become the focus of eco-tourism, and has emerged as a retirement centre. The purpose of this chapter is to situate Clayoquot in relation to the culture, politics, and economics of these industries, and to consider regional disputes in relation to wider patterns of globalization, post-industrialism, multi-culturalism, and identity struggles.

Chapter 8: *Markets Campaigns*: Consumer Sovereignty and Shareholder Activism

One of the most interesting features of the Clayoquot protests was an effort on the part of local environmentalists to mount a world-wide "markets campaign" to influence consumers and investors in Western Europe, the United States, and East Asia. Judging by the vigorous response from the logging companies and the provincial government, this modestly funded campaign seems to have been regarded as a serious threat. The purpose of this chapter is to consider the effectiveness of political action within the global market,

using the Clayoquot case as an example.

Chapter 9: *The Mediated Global Village*: Politics in Cyberspace

Everyone involved in the struggles at Clayoquot tried to use the media to their own advantage -- and the media used them in turn. What makes this process especially interesting is that the global media were perceived to have enormous power in relation to the courts, the governments, and the companies who ostensibly wielded authority in the area. The purpose of this chapter is to explore the political implications of this apparent shift into cyberspace as the key venue for struggle.

Chapter 10: *Gods and Goddesses*: Local Practices and the Authority of Science

Clayoquot has been the site of various efforts -- especially on the part of the provincial government -- to resolve disagreements by appealing to the authority of science. On the other hand, the authority of Western science has been challenged by various claims to local knowledge from environmentalists, local residents, and (especially) First Nations people. By exploring these contending claims, we can open up some of the difficult epistemological and ontological issues that recur everywhere but that are often hidden.

CONCLUSION: *Localism and Globalism:* New Configurations of World Politics

The premise of this book is that Clayoquot is a microcosm of contemporary politics, and that a wide range of practical and theoretical issues can be explored through the frame of events of this region. In their concluding essay, the editors will be attempting to show how the explorations in the preceding chapters reveal the terrain within which contemporary politics is contested. The over-arching claim is that the "politics of Clayoquot" are paradigmatic, and that we ignore this paradigm at our own risk.